

In-person participation by the public will be permitted. In addition, remote public participation is available in the following ways:

- *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).*
- *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

June 23, 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.)

PRESENTATIONS:

- **Certificate of Recognition - Mitchell Senior Cadets**
- **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. **May 31, 2025**

Staff's Recommendation: Acceptance of report as listed.

WARRANTS:

2. **June 23, 2025**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Citizens' Oversight Committee)

3. **March 11, 2025 - Special meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

4. **May 21, 2025**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (City Council)

5. **a.) May 12, 2025 - Regular meeting**

b.) May 27, 2025 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

6. **Ordering the Engineer to Prepare and File Reports, Declaring the City's Intent to Collect Annual Assessments for Various Assessment Maintenance Districts for Fiscal Year 2025/26, Preliminarily Approving Engineer's Reports, and Setting a Public Hearing Date** (City Manager Hoem)

Staff's Recommendation: Adoption of Resolution No. 3544-25 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Maintenance Assessment Districts for Fiscal Year 2025/26; and Adoption of Resolution No. 3545-25 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2025/26, granting preliminary approval of the Engineer's Reports, and setting July 14, 2025 as the date of the public hearing date to consider action on the proposed assessments.

7. **Initiating Proceedings for the Annual Assessments Levy with Respect to the Various Assessment Maintenance Districts for Fiscal Year 2025/26** (City Manager Hoem)

Staff's Recommendation: Adoption of Resolution No. 3456-25, initiating proceedings for the Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2025/26 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

8. **Approving and Adopting a List of Projects for Fiscal Year 2025-26 Funded by SB 1: The Road Repair and Accountability Act of 2017** (Public Works Director Vinson)

Staff's Recommendation: Adoption of Resolution No. 3457-25 approving and adopting the Fiscal Year 2025-26 annual list of projects funded by SB 1, The Road Repair and Accountability Act of 2017; and authorizes and directs the City Manager to transmit a certified copy of the resolution to the California Transportation Commission.

9. **Approving the Fourth Amendment to the General Services Agreement with JaniTek Cleaning Solutions of Stockton, California for the Cleaning and Disinfecting of City-Owned buildings** (Public Works Director Vinson)

Staff's Recommendation: Adoption of Resolution No. 3548-25 approving the Fourth Amendment to the General Service Agreement with JaniTek Cleaning Solutions, of Stockton, CA, in a form approved by the City Attorney, for the cleaning and disinfecting of city-owned buildings, in an amount not to exceed \$171,380 each year; and authorizes and directs the City Manager, or her designee, to execute the Fourth Amendment on behalf of the City.

10. **Approving an Amended and Restated Public Works Director Employment Agreement** (City Manager Hoem)

Staff's Recommendation: Adoption of Resolution No. 3549-25 amending and restating the Public Works Director Employment Agreement ("Agreement") between Justin Vinson and the City of Atwater, in a form approved by the City Attorney; and authorizes and

directs the City Manager to execute the Agreement on behalf of the City.

11. Designating the Applicant's Agent for Non-State Agencies to the Federal Emergency Management Agency (FEMA) (Police Chief McEachin)

Staff's Recommendation: Adoption of Resolution No. 3550-25 authorizing the designation of an Applicant's Agent for the purpose of applying for federal assistance through the Federal Emergency Management Agency (FEMA) authorizing the City Manager and the Police Chief to execute for and on behalf of the City of Atwater, as required for non-state agencies seeking disaster recovery and emergency funding.

OTHER ACTIONABLE ITEMS:

12. Approving Fee Waiver Requested by Bloss Memorial Healthcare District to use Atwater Community Center to Host a Senior Adult Information Day (Public Works Director Vinson)

Staff's Recommendation: Approval of a fee waiver requested by Bloss Memorial Healthcare District to use the Atwater Community Center on Tuesday, September 16, 2025, from 9:00 AM to 1:00 PM; and authorizes and directs the City Manager, or designee, to execute any and all documents necessary to waive the facility rental fees associated with Bloss Memorial Healthcare District using the Atwater Community Center to host a Senior Adult Information Day.

13. Approving Fee Waiver Requested by the Employment Development Department (EDD), in collaboration with Resources for Independence Central Valley (RICV), GATEway Adult Education Network, and Central Valley Regional Center (CVRC), to use Atwater Community Center to Host a Hiring and Resource Event (Public Works Director Vinson)

Staff's Recommendation: Approval of a fee waiver requested by the Employment Development Department (EDD) to use the Atwater Community Center on Thursday, September 18, 2025, from 10:00 AM to 2:00 PM; and authorizes and directs the City Manager, or designee, to execute any and all documents necessary to waive the facility rental fees associated with the EDD using the Atwater Community Center to host a Hiring and Resource Event.

14. Accepting Well 20-A Project as complete (Public Works Director Vinson)

Staff's Recommendation: Accepts work done under the contract for Well 20-A Project, City Project 20-02; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City.

15. Accepting Civic Center Building 2 (City Hall) Project as complete (Public Works Director Vinson)

Staff's Recommendation: Accepts work done under the contract for Civic Center Building 2 Project, City Project 21-03; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City.

16. Accepting the Public Improvements and Related Work by BFD-ATWCA-2401 for the Development of a Coffee Restaurant (Public Works Director Vinson)

Staff's Recommendation: Accepts the Public Improvements and Related Work by BFD-ATWCA-2401 for the development of a coffee restaurant pursuant to a Subdivision Improvement Agreement; and authorizes and directs the City Manager, or designee, to sign a Notice of Acceptance and have it recorded on behalf of the City.

END OF CONSENT CALENDAR

PUBLIC HEARINGS:

17. Waive the First Reading by Title only, and introduce an Ordinance Adopting Zoning Ordinance Text Amendment No. 25-08-0100 Amending Chapter 17.63 “Parking Requirements” of the Atwater Municipal Code to Modernize the Parking Ordinance (City Manager Hoem)

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

Close the public hearing; and,

Motion to waive the first reading by title only, and introduce Ordinance No. CS 1071 approving a Zoning Ordinance Text Amendment, amending Chapter 17.63 “Parking Requirements” of the Atwater Municipal Code.

Motion to approve staff's recommendation as presented.

18. Waive the First Reading by Title only, and introduce an Ordinance approving an Amendment to the Development Agreement by and between the City of Atwater and the Ferrari Ranch Owners, to clarify the responsible parties for the construction of water, sewer, and storm water infrastructure for the development located at APNS: 005-120-045 & 005-120-046 (City Manager Hoem)

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

Close the public hearing; and,

Motion to waive the first reading by title only, and introduce Ordinance No. CS 1072 approving an Amendment to the Development Agreement by and between the City of Atwater and The Ferrari Ranch Owners, to clarify the responsible parties for the construction of water, sewer, and storm water infrastructure for the development located at APNS: 005-120-045 & 005-120-046.

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

19. Update regarding Fireworks Enforcement and the Nail Em App' (Battalion Chief/Fire Marshal Carvalho and Police Chief McEachin)

Staff's Recommendation:

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:

20. Update from 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.

A handwritten signature in blue ink, appearing to read "Kory J. Billings", is enclosed within a blue oval.

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.