

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

October 13, 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:

- **Oath of Office - Police Officer**

Staff's Recommendation: That City Clerk Kory Billings administer the ceremonial oath of office to the newly appointed Police Officers: Cody May and Miguel Lozano

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.

WARRANTS:

1. **October 13, 2025**

Staff's Recommendation: Receive and file reports as listed.

TREASURER'S REPORT:

2. **August 31, 2025**

Staff's Recommendation: Acceptance of report as listed.

MINUTES: (Audit and Finance)

3. a.) **June 23, 2025 — Regular meeting**
b.) **August 25, 2025 — Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (City Council)

4. a.) **August 25, 2025 — Regular meeting**
b.) **September 8, 2025 — Regular meeting**

Staff's Recommendation: Approval of minutes as posted.

RESOLUTIONS:

5. **Approving Fourth Amendment to the Professional Services Agreement to MuniServices, LLC of Centreville, Virginia for Consultant Services for Sales and Use Tax Audit & Report Services** (Finance Director Nicholas)

Staff's Recommendation: Adoption of Resolution No. 3572-25 approving the Fourth Amendment to the Professional Services Agreement, in a form approved by the City Attorney, to MuniServices, LLC of Centreville, Virginia to comply with state of California Department of Tax and Fee Administration requirements authorizing MuniServices, LLC to examine transactions tax, sales tax and use tax records of the City of Atwater and directs the City Manager, or his designee, to execute the Fourth Amendment on behalf of the City.

6. **Acknowledging Receipt of 2025 Annual City of Atwater Fire Inspection SB1205 Compliance Report** (CAL FIRE Battalion Chief Carvalho)

Staff's Recommendation: Adoption of Resolution No. 3573-25 acknowledging receipt of 2025 annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.

7. **Approving Budget Amendment Amending Fiscal Year 2025-26 Budget Regarding the Purchase of the Electric Street Sweeper** (Public Works Director Vinson)

Staff's Recommendation: Adoption of Resolution No. 3574-25 approving Budget Amendment No. 5, which amends the Fiscal Year 2025-26 budget by increasing the appropriation of general ledger account number 5000-1080-Z001 in the amount of \$166,973; and award a Purchase Agreement, in a form approved by the City Attorney, to Municipal Maintenance Equipment, Inc. of Sacramento, California, for the Electric Street Sweeper, City Project No. 25-02, Federal Project No. CML-5254 (035), in an amount not to exceed \$665,972.80; and Authorize and direct the City Manager, or his designee, to execute the contract on behalf of the City.

OTHER ACTIONABLE ITEMS:

8. **Notice of Completion of Olive Ave Overlay** (Public Works Director Vinson)

Staff's Recommendation: Accept work done under the contract for Olive Avenue Overlay Project, City Project 24-07; and authorize and direct City Manager to sign a Notice of Completion and have it recorded on behalf of the City;

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. **Adoption of Ordinance No. CS 1073 approving Zoning Ordinance Text Amendment No. 25-09-0100 amending Chapter 17.71 "Conditional Use Permit" of the Atwater Municipal Code** (City Manager Hoem)

Staff's Recommendation: Waiving the second reading and adopting Ordinance no. CS 1073 approving Zoning Ordinance Text Amendment No. 25-09-0100 amending Chapter 17.71 "Conditional Use Permit" of the Atwater Municipal Code.

END OF CONSENT CALENDAR

REPORTS AND PRESENTATIONS FROM STAFF:

10. **Receiving and Accepting the City of Atwater's Annual Financial Report and Single Audit Report for the year ended June 30, 2024 and Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Schedule for the year ended June 30, 2025** (Finance Director Nicholas)

Staff's Recommendation: Motion to receive and accept the City of Atwater's Annual Financial Report and Single Audit Report for the year ended June 30, 2024 and the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Schedule for the year ended June 30, 2025.

11. **Fire Department Quarterly Update** (CAL Fire Battalion Chief Randol)
12. **Police Department Quarterly Update** (Police Chief McEachin)
13. **Code Enforcement Annual Update** (Code Enforcement Manager Garcia)

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 Rochester, District 2**
- **City Council Member Ambriz, District 3**
- **City Council Member Raymond, District 4**
- **Mayor Nelson**

CITY MANAGER REPORTS/UPDATES:

14. **Update from the City Manager**

CLOSED SESSION:

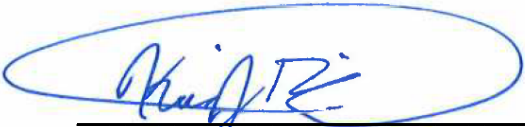
- **Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases (1)**

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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.