

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

November 10, 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:

- **Recognition - Retirement of Police Sergeant**

Staff's Recommendation: That the City Council and Police Chief McEachin recognize Police Sergeant Dave Sarginson on his retirement from the Atwater Police Department.

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, 2025**

Staff's Recommendation: Acceptance of report as listed.

WARRANTS:

2. **November 10, 2025**

Staff's Recommendation: Receive and file the report as listed.

MINUTES: (City Council)

3. **a.) October 13, 2025 — Regular meeting**
b.) October 27, 2025 — Regular meeting

Staff's Recommendation: Approval of minutes as posted.

AGREEMENTS:

4. **Awarding and Approving an Agreement for Debt Collection Services with Pacific Credit Services (Finance Director Nicholas)**

Staff's Recommendation: Adoption of Resolution No. 3578-25 awarding and approving the Professional Services Agreement with Pacific Credit Services of Sacramento, California, in a form approved by the City Attorney, and authorizing and directing the City Manager to execute the agreement on behalf of the City.

RESOLUTIONS:

5. **Approving CMAQ/CRP Grant Application Atwater-Livingston Canal Trailway (City Manager Hoem)**
Staff's Recommendation: Approving submittal of CMAQ/CRP Grant application for the Atwater-Livingston Canal Trailway (ALCT); and adopting Resolution No. 3579-25 authorizing the City Manager or his designee to execute all agreements/documents related to the Atwater-Livingston Canal Trailway application; and authorizing the City Manager or his designee to execute the CMAQ Assurance of Timely Project Delivery form.
6. **Interim Community Development Director Employment Agreement (City Manager Hoem)**
Staff's Recommendation: Adoption of Resolution No. 3580-25 to ratify the Interim Community Development Director Employment Agreement with Greg Greeson, in a form approved by the City Attorney; and authorize and direct the City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. **Adopting an Ordinance Amending Chapter 2.44.050 Emergency Organization (CAL Fire Battalion Chief Randolph)**
Staff's Recommendation: Adoption of Ordinance No. CS 1074 amending Chapter 2.44.050 of the Atwater Municipal Code to maintain consistency regarding Emergency Organization.
8. **Adopting an Ordinance Amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the Minimum Lot Depth (City Manager Hoem)**
Staff's Recommendation: Adoption of Ordinance No. CS 1076 amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the Minimum Lot Depth in Section 17.16.050 of this chapter and add definitions for knuckle lots and cul-de-sac lots in Chapter 17.06).

OTHER ACTIONABLE ITEMS:

9. **Authorization to Record a Notice of Completion for the Downtown Pedestrian Improvements Project — Phase 2 (City Manager Hoem)**
Staff's Recommendation: Authorize and direct City Manager to sign a Notice of Completion once the project is complete and have it recorded on behalf of the City.

END OF CONSENT CALENDAR

PUBLIC HEARINGS:

10. Waive the First Reading, by Title only, and Introduce an Ordinance adopting Zoning Ordinance Text Amendment No. 25-12-0100 amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to adjust the setbacks for R-1-5 in Section 17.16.050 of this Chapter (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 1077 adopting Zoning Ordinance Text Amendment No. 25-12-0100 amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to adjust the setbacks for R-1-5 in Section 17.16.050 of this chapter; or

Motion to approve staff's recommendation as presented.

11. Waive the First Reading, by Title only, and Introduce an Ordinance adopting Zoning Ordinance Text Amendment No. 25-13-0100 amending Chapter 17.12 "Administration and General Conditions" of the Atwater Municipal Code (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 1078 adopting Zoning Ordinance Text Amendment No. 25-13-0100 amending Chapter 17.12 "Administration and General Conditions" of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

12. Waive the First Reading, by Title only, and Introduce an Ordinance Adopting Zoning Ordinance Text Amendment No. 25-16-0100 amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to Adjust the Setbacks for Accessory Structures (Carports) in Section 17.16.080 of this Chapter (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 1079 Adopting Zoning Ordinance Text Amendment No. 25-16-0100 amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to Adjust the Setbacks for Accessory Structures (Carports) in Section 17.16.080 of this Chapter; or

Motion to approve staff's recommendation as presented.

13. Adopting an Ordinance Repealing and Re-enacting Title 15, "Buildings and Construction" of the Atwater Municipal Code (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 second reading by title only, and adopt Ordinance No. CS 1075 Repealing and Re-enacting Title 15 "Buildings and Construction" of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

14. Approving Use Agreement between the City of Atwater and the Atwater Police Activities League for Facility Use (Public Works Director Vinson)

Staff's Recommendation: Motion to adopt Resolution No. 3581-25 Approving a Use Agreement in a form approved by the City Attorney, with the Atwater Police Activities League for the use of Veterans Memorial Park Castle Youth Center and BMX Track for organized activities, and authorizes and directs the City Manager, or his designee, to execute the Use Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

15. Report from Fire and Police Departments on Key Public Safety Data (October 1, 2024 – September 30, 2025) (CAL Fire Battalion Chief Randolph and Police Chief McEachin)

Staff's Recommendation: Fire and Police Departments will present a follow-up report in response to previous City Council direction, providing an overview of key public safety data collected between October 1, 2024, and September 30, 2025.

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:

16. Update from the City Manager

ADJOURNMENT:

CLOSED SESSION:

- **Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: City of Atwater v. Robert Hugo Carbajal, et al. (Merced County Superior Court, Case No. 23CV-00807)**
- **Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Michael Ioane, Jr. vs City of Atwater; Case No. 24CV-01699**

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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 cyclerk@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.