

CITY OF ATWATER

CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

October 28, 2019

CALL TO ORDER:

5:00 PM

ROLL CALL:

Ambriz ____ , Cale ____ , Raymond ____ , Vierra ____ , Creighton ____

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, Interim City Attorney Sanchez, and Human Resources Director Del Real; Bargaining Unit: Atwater Police Officers Association**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Richard Johnson et al. vs. City of Atwater et al., Case No. 19CV-00272**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Samuel Joseph vs. City of Atwater, Case No. 18CV-04981**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater vs. Shell Oil Company et. al., Case No. SCVSS120627**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (2)**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Alfred Perez

ROLL CALL:

Ambriz ____, **Cale ____**, **Raymond ____**, **Vierra ____**, **Creighton ____**

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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.)

Staff's Recommendation: Motion to approve agenda as posted or as amended.

CEREMONIAL MATTERS:

- Key to the City – Giuseppe Castiglione

Staff's Recommendation: That Mayor Creighton present the Key to the City to Giuseppe Castiglione for his many contributions to the City of Atwater.

PRESENTATIONS:

- Monthly verbal 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 discussion is requested on any item, that item will be removed from the Consent Calendar for separate action.

WARRANTS:

1. **October 28, 2019**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Planning Commission)

2. September 18, 2019 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

CALL FOR BIDS:

3. Resolution approving a budget amendment, approving plans and specifications, and authorizing advertising and call for bids for Winton Way Reconstruction Project (General Services Manager Pereida)

Staff's Recommendation: Adoption of Resolution No. 3120-19 approving Budget Amendment No. 3 amending FY 2019-20 Budget to establish Measure V Regional Fund for Winton Way Reconstruction Project; and approval of plans and specifications and authorizes advertising and call for bids for Winton Way Reconstruction Project, Project No. 15-1, Bid Call No. 684-19.

AGREEMENTS:

4. Ratifying Purchase Agreement (Purchase Order) with Rockwell Engineering and Equipment Company for pump replacement at the Wastewater Treatment Plant (Public Works Director Haddix)

Staff's Recommendation: Ratifies a Purchase Agreement (Purchase Order) with Rockwell Engineering and Equipment Company of Tustin, California, in the amount of \$28,150.81 for material, labor, and equipment to repair and convert Vaughan Return Activated Sludge (RAS) Submersible Pump for the Wastewater Treatment Plant.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6204.)

5. Claim No. 2019-13

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2019-13 be rejected.

ANNUAL PETITIONS AND COMMUNICATIONS:

6. Request from Valley Christian Chapel for assistance with annual Harvest Festival (Glenn Summerton)

Staff's Recommendation: Approval of request from Valley Christian Chapel, contingent upon receipt of current liability certificate including endorsements, for assistance with their annual Harvest Festival on Thursday, October 31, 2019, to block off Third Street between Broadway Avenue and Cedar Avenue from 5:30 – 9:00 PM.

- 7. Request from Atwater Chamber of Commerce for assistance with annual Christmas Parade** (Alice Gilbertson, Committee Member)

Staff's Recommendation: Approval of request from Atwater Chamber of Commerce, contingent upon receipt of current liability certificate including endorsements, for assistance with their annual Christmas Parade on Friday, December 6, 2019 starting at 7:00 PM beginning in front of Foster Freeze, traveling south on Winton Way, east on Broadway Avenue, and ending at the Bloss House; to block roads and for use of electricity boxes along the route.

PUBLIC HEARINGS:

- 8. Resolution adopting City of Atwater Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan** (General Services Manager Pereida)

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

Close the public hearing; and

Motion to adopt Resolution No. 3118-19 adopting City of Atwater Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 9. Awarding General Construction Contract for Mitchell Avenue Reconstruction Project** (General Services Manager Pereida)

Staff's Recommendation: Motion to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act ("CEQA") Guidelines, Section 15301, "Existing Facilities;" and

Motion to award a General Construction Contract, in a form approved by the Interim City Attorney, to Taylor Backhoe Service, Inc. of Merced, California, in the amount not to exceed \$72,456.22 for Mitchell Avenue Reconstruction Project, Project No. 18-6, Bid Call No. 682-19; and to authorize and direct the City Manager to execute the Contract on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 10. Awarding General Construction Contract for Third Street Sidewalk Improvement Project** (General Services Manager Pereida)

Staff's Recommendation: Motion to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act ("CEQA") Guidelines, Section 15301, "Existing Facilities;" and

Motion to award a General Construction Contract, in a form approved by the Interim City Attorney, to Phase I Construction, Inc. of Atwater, California, in the amount not to exceed \$81,095 for Third Street Sidewalk Improvement Project, Project No. 18-1, Bid Call No. 683-19; and to authorize and direct the City Manager to execute the Contract on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 11. Waiving the first reading and introducing an ordinance repealing and re-enacting Title 15 "Buildings and Construction" of the Atwater Municipal Code, and setting a public hearing date (General Services Manager Pereida)**

Staff's Recommendation: Motion to waive the first reading and introduce Ordinance No. CS 1019 repealing and re-enacting Title 15 "Buildings and Construction" of the Atwater Municipal Code, and setting a public hearing date for adoption of Ordinance No. CS 1019 on November 12, 2019; or

Motion to approve staff's recommendation as presented.

CITY MANAGER'S REPORTS/UPDATES:

- 12. Resolution calling, giving notice of, and consolidating a Special Municipal Election to be held on Tuesday, March 3, 2020 regarding the renewal of a Transactions and Use Tax in the City of Atwater; and introducing an ordinance amending and restating Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code**

Staff's Recommendation: Motion to adopt Resolution No. 3119-19 calling and giving notice of a Special Municipal Election to be held on March 3, 2020, submitting a proposed ordinance relating to renewal of a transactions and use tax—at one-half cent or one cent—to the City's voters at the Special Municipal Election, and requesting the Board of Supervisors of the County of Merced consolidate the Special Municipal Election to be held on March 3, 2020 with the Presidential Primary Election to be held on the same date pursuant to Section 10403 of the Election Code and requesting specified services from the County related to the election;

Establish priorities for written arguments regarding the measure and authorizing and directing the Interim City Attorney to prepare an impartial analysis;

Provide for the filing of rebuttal arguments regarding the measure; and

Motion to waive the first reading and introduce Ordinance No. CS 1024, which would amend and restate Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code to extend a transactions and use tax for special purposes to be administered by the California Department of Tax and Fee Administration.

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 MATTERS:

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

CERTIFICATION:

I, Lucy Armstrong, 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.



LUCY ARMSTRONG
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 at City Hall during normal business hours at 750 Bellevue Road.

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.



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) 357-6204. You may also send the request by email to kjennings@atwater.org.