

# CITY OF ATWATER CITY COUNCIL

## AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**March 25, 2019**

**5:00 PM**

CALL TO ORDER:

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, City Attorney White, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Miscellaneous and Clerical Units**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (3)**
- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Acquisition. Agency Negotiators: City Manager Waterman**

**Property Location: APN 150-160-026**

REGULAR SESSION: (Council Chambers)

**6:00 PM**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain McClellan**



**ROLL CALL:**

**Ambriz \_\_\_**, **Cale \_\_\_**, **Raymond \_\_\_**, **Vierra \_\_\_**, **Creighton \_\_\_**

**MAYOR OR 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.

**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.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

**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. March 25, 2019**

**Staff's Recommendation:** Approval of warrants as listed.

**MINUTES:** (City Council)

**2. a) March 11, 2019 – Regular meeting**  
**b) March 13, 2019 – Adjourned meeting**

**Staff's Recommendation:** Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

**3. February 22, 2019 – Adjourned meeting**

**Staff's Recommendation:** Acceptance of minutes as listed.

MINUTES: (Audit and Finance Committee)

- 4. a) March 20, 2012 - Regular meeting**
- b) April 17, 2012 – Regular meeting**
- c) May 15, 2012 – Regular meeting**
- d) July 17, 2012 – Regular meeting**
- e) August 21, 2012 – Regular meeting**
- f) September 18, 2012 – Regular meeting**

**Staff's Recommendation:** Acceptance of minutes as listed.

TREASURER'S REPORT:

**5. February 28, 2019**

**Staff's Recommendation:** Acceptance of report as listed.

RESOLUTIONS:

- 6. Approving and ratifying Side Letter of Agreement with Atwater Police Officers Association Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)**

**Staff's Recommendation:** Adoption of Resolution No. 3078-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and the Atwater Police Officers Association pertaining to certain terms and conditions of employment, and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 7. Approving City of Atwater General Fund Reserve Policy and Inter-Fund Advance and Loan Policy (City Manager Waterman)**

**Staff's Recommendation:** Adoption of Resolution No. 3068-19 approving the City of Atwater's General Fund Reserve Policy and Inter-Fund Advance and Loan Policy.

- 8. Approving budget amendment, approving Mitchell Schools Area Pedestrian Improvements Project, and approving Professional Services Agreement with VVH Consulting Engineers for additional engineering services for the Project (General Services Manager Pereida)**

**Staff's Recommendation:** Makes the finding that the project is categorically exempt under CEQA; adoption of Resolution No. 3075-19 approving Budget Amendment No. 4 regarding Mitchell Schools Area Pedestrian Improvements Project; adoption of Resolution No. 3076-19 approving the Project and authorizing and directing the City Manager or his/her designee to execute any agreements or documents relating to Mitchell Schools Area Pedestrian Improvements Project (CTIPS I.D. 205-000-0280; MCAG I.D. CMAQ19-01) on behalf of the City; approval of Professional Services Agreement, in a form approved by the City Attorney, with VVH Consulting Engineers for additional engineering services for Mitchell Schools Area Pedestrian Improvements Project in an amount not to exceed \$45,100; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

**AGREEMENTS:**

- 9. Approving Professional Services Agreement with VVH Consulting Engineers for additional engineering services for Aileen Colburn Pedestrian Safety Improvements Project Phase II (General Services Manager Pereida)**

**Staff's Recommendation:** Makes the finding that the project is categorically exempt under CEQA; approval of Professional Services Agreement, in a form approved by the City Attorney, with VVH Consulting Engineers for additional engineering services for Aileen Colburn Pedestrian Safety Improvements Project Phase II in an amount not to exceed \$50,800; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

**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).

- 10. Claim No. 2019-2**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2019-2 be rejected.

**PUBLIC HEARINGS:**

- 11. Waiving the first reading and introducing Ordinance No. CS 1012 repealing Chapter 2.30 "Community Development and Resources Commission" of the Atwater Municipal Code and adding Chapter 2.32 "Planning Commission" of the Atwater Municipal Code (General Services Manager Pereida)**

**Staff's Recommendation:** Open the public hearing and take any testimony given regarding Ordinance No. CS 1012;

Close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1012 repealing Chapter 2.30 of the Atwater Municipal Code entitled “Community Development and Resources Commission” and adding Chapter 2.32 of the Atwater Municipal Code entitled “Planning Commission;” and to authorize and direct the City Clerk’s office to initiate recruitment efforts to fill the seats of the newly re-established Planning Commission; or

Motion to approve staff’s recommendation as presented.

**REPORTS AND PRESENTATIONS FROM STAFF:**

**12. Approving Housing Element Annual Progress Report for calendar year 2018 (General Services Manager Pereida and Finance Director Deol)**

**Staff’s Recommendation:** Invite oral testimony and written comments from the public regarding the Housing Element Annual Progress Report; and

Motion to approve the Housing Element Annual Progress Report for calendar year 2018; and to authorize and direct the City Manager to submit the Report to the California Department of Housing and Community Development and the Governor’s Office of Planning and Research; or

Motion to approve staff’s recommendation as presented.

**CITY MANAGER’S REPORTS AND UPDATES:**

**13. Approving City of Atwater 2020–2025 Strategic Plan**

**Staff’s Recommendation:** Review the draft City of Atwater 2020-2025 Strategic Plan; and

Motion to approve the Plan as presented or as amended.

**14. Discussion and possible action regarding setting aside Measure H (public safety tax) and replacing with a new public safety tax for the 2020 General Municipal Election**

**Staff’s Recommendation:** Motion to authorize the City Manager to proceed with a survey/poll for a new public safety tax for the 2020 General Municipal Election; or

Motion to approve staff’s recommendation as presented.

**CITY COUNCIL MATTERS:**

**City Council comments**

CLOSED SESSION:

**Continuation of Closed Session if necessary**

ADJOURNMENT:

**In memory of Robert “Bob” Ayers**

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.



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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](mailto:kjennings@atwater.org).*