

# CITY OF ATWATER CITY COUNCIL

## AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**May 28, 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 and Human Resources Director Del Real; Bargaining Unit: AFSCME Local 2703 – Clerical Unit**
- **Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment; Title: City Attorney**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater v. Shell Oil Company, et al., Case No. SCVSS120627**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Samuel Joseph v. City of Atwater, Case No. 18CV-04981**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (1)**

REGULAR SESSION: (Council Chambers)

**6:00 PM**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:



INVOCATION:

**Invocation by Police Chaplain Mead**

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.

CEREMONIAL MATTERS:

Certificates:

- **Atwater High School**

**Staff's Recommendation:** That Mayor Creighton recognize teams and individuals from Atwater High School for their high achievements at the CCC or State levels.

- **Buhach Colony High School**

**Staff's Recommendation:** That Mayor Creighton recognize the Buhach Colony High School Boys Golf team as the 2019 CCC Champions.

Proclamation:

- **National Public Works Week**

**Staff's Recommendation:** That Mayor Creighton present the proclamation to Interim Public Works Director Shaw, on behalf of the Public Works Department, recognizing the Week of May 19-25, 2019 as National Public Works Week.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

- **Merced County Association of Governments (MCAG) Measure V update**  
(Mary-Michal Rawling, Public Affairs Manager)

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. May 28, 2019**

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

MINUTES: (Community Development and Resources Commission)

- 2. a) March 20, 2019 – Special meeting**
- b) April 17, 2019 – Regular meeting**

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

MINUTES: (Audit and Finance Committee)

- 3. a) January 25, 2016 – Regular meeting**
- b) March 28, 2016 – Regular meeting**
- c) April 25, 2016 – Regular meeting**
- d) May 23, 2016 – Regular meeting**
- e) October 24, 2016 – Regular meeting**
- f) November 14, 2016 – Regular meeting**

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

TREASURER'S REPORT:

**4. April 30, 2019**

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

RESOLUTIONS:

- 5. Approving and ratifying Side Letter of Agreement with AFSCME representing Clerical Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)**

**Staff's Recommendation:** Adoption of Resolution No. 3087-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Clerical Bargaining Unit, pertaining to certain terms and conditions of employment; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

**AGREEMENTS:**

6. **Awarding Professional Services Agreement to Kyhn's Air Conditioning and Heating for heating and air conditioning repair and preventive maintenance services** (Interim Public Works Director Shaw)

**Staff's Recommendation:** Awards a Professional Services Agreement, in a form approved by the City Attorney, to Kyhn's Air Conditioning and Heating for heating and air conditioning repair and preventive maintenance services, for the term of five years in the amount of \$25,000 each year; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

7. **Awarding Professional Services Agreement to Provost & Pritchard Consulting Group for engineering design services for 1,2,3, Trichloropropane (TCP) Treatment at the City Water Supply Well No. 20A** (Interim Public Works Director Shaw)

**Staff's Recommendation:** Awards a Professional Services Agreement, in a form approved by the City Attorney, to Provost & Pritchard Consulting Group for engineering design services for 1,2,3, Trichloropropane (TCP) Treatment at the City Water Supply Well No. 20A, in an amount not to exceed \$136,000; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

8. **Ratifying Purchase Agreement for replacement of flowmeters for GAC Vessels at Well 15 with Cooper Controls, Inc.** (Interim Public Works Director Shaw)

**Staff's Recommendation:** Ratifies a Purchase Agreement, in a form approved by the City Attorney, with Cooper Controls, Inc., Stockton, California, for replacement of four (4) flowmeters for GAC Vessels at Well 15, in an amount not to exceed \$39,797.56.

9. **Approving Agreement with Atwater Elementary School District regarding Crossing Guard Program** (City Manager Waterman and Human Resources Director Del Real)

**Staff's Recommendation:** Approves Agreement, in a form approved by the City Attorney, with Atwater Elementary School District regarding Crossing Guard Program; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

**ORDINANCES (WAIVING SECOND READING AND ADOPTION):**

- 10. Waiving the second reading and adopting Ordinance No. CS 1008 approving Central Cal Brothers, Inc. Development Agreement regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater (City Attorney White)**

**Staff's Recommendation:** Waives the second reading and adopts Ordinance No. CS 1008 approving Central Cal Brothers, Inc. Development Agreement regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 11. Waiving the second reading and adopting Ordinance No. CS 1010 approving MJJ, LLC Development Agreement regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater (City Attorney White)**

**Staff's Recommendation:** Waives the second reading and adopts Ordinance No. CS 1010 approving MJJ, LLC Development Agreement regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

**ANNUAL PETITIONS AND COMMUNICATIONS:**

- 12. Request from Atwater Elementary School District regarding Seamless Summer Feeding Program (Lisa Ludwig, Food Service Supervisor)**

**Staff's Recommendation:** Approval of request from Atwater Elementary School District, Nutritional Services Department, contingent upon receipt of current certificate of liability coverage, to hold their annual Seamless Summer Feeding Program at Heller Park, Ralston Park, Veterans Park, and Atwater High School from June 10, 2019 to August 2, 2019, to provide free meals to children (age 18 and under) in the community.

**PETITIONS AND COMMUNICATIONS:**

- 13. Request from Historic Downtown Atwater Association for assistance with car show (John Cardenas, CEO)**

**Staff's Recommendation:** Motion to approve request from Historic Downtown Atwater Association, contingent upon receipt of current certificate of liability coverage, for assistance with car show on June 22, 2019 from 7:00 AM – 2:30 PM, for road closure on Broadway and side streets from Winton Way to 2<sup>nd</sup> Street; or

Motion to approve staff's recommendation as presented.

**REPORTS AND PRESENTATIONS FROM STAFF:**

**Verbal update regarding engineering projects** (City Engineer Michael Hayes, VVH)

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

**Discussion and possible action regarding establishing an ad hoc committee to review RFPs for polling services**

**Staff's Recommendation:** That the City Council, by motion, provide staff with direction regarding establishing an ad hoc committee to review RFPs for polling services.

**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:**

**Mayor's Committee Re-assignment**

- **Merced County Association of Governments** (1 representative)

**Staff's Recommendation:** Motion to ratify the Mayor's Committee re-assignment of 1 representative for Merced County Association of Governments.

**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.



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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.*



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