

CITY OF ATWATER

CITY COUNCIL

GOVERNING BOARD FOR THE SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

January 13, 2020

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Samuel Joseph vs. City of Atwater, et al. Case No. 19CV-05388**
- **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: (City Council and Governing Board)

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Jim McClellan

ROLL CALL: (City Council and Governing Board)

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:

- **Rebranding of Atwater Police Department**

Staff's Recommendation: That Mayor Creighton and Police Chief Salvador present the newly rebranded Atwater Police Department.

RECESS TO BRIEF RECEPTION:

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. a) **December 18, 2019**
b) **January 13, 2020**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. **December 9, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

3. November 20, 2019 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Audit and Finance Committee)

- 4. a) August 26, 2019 – Regular meeting**
b) November 12, 2019 – Special meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS: (City Council)

5. Authorizing application submittal for and receipt of Senate Bill 2 Planning Grants Program funds (General Services Manager Pereida)

Staff's Recommendation: Adoption of Resolution No. 3126-19 authorizing submittal of an application to the California Department of Housing and Community Development regarding Planning Grants Program funds; and authorizes and directs the City Manager to execute the application and all documents related to the grant on behalf of the City, including administration, if awarded.

RESOLUTIONS: (Governing Board)

6. Adopting Recognized Obligation Payment Schedule and Administrative Budget for Fiscal Year 2020-21 (Treasurer Jacobs-Hunter)

Staff's Recommendation: Adoption of Resolution No. SA 2019-5 adopting the Recognized Obligation Payment Schedule (ROPS) 20-21 for the July 1, 2020 through June 30, 2021 period and adopting the Administrative Budget for Fiscal Year 2020-21.

AGREEMENTS:

7. Awarding General Construction Contract to George Reed, Inc. for the Wastewater Treatment Plant Drying Bed Expansion Project (General Services Manager Pereida)

Staff's Recommendation: Awards a General Construction Contract, in a form approved by the Interim City Attorney, to George Reed, Inc. of Modesto, California, in the amount not to exceed \$634,477.95 for the construction of Project No. 19-3, the Wastewater Treatment Plant Drying Bed Expansion Project; and authorizes and directs the City Manager to execute the Contract on behalf of the City.

8. **Approving Memorandum of Understanding with AGK Properties regarding use of Veterans Pavilion kitchen at Veterans Park** (City Manager Waterman)

Staff's Recommendation: Approval of Memorandum of Understanding, in a form approved by the Interim City Attorney, with AGK Properties for use of Veterans Pavilion kitchen at Veterans Park; and authorizes and directs the City Manager to execute the Memorandum of Understanding on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. **Waiving the second reading and adopting an ordinance making the environmental finding and approving zone change from Planned Development (PD-34) to Thoroughfare Commercial (CT) for property located north of Clover Avenue and east of Buhach Road (APNs 005-120-030, 032, 042, 050, 054, 055)** (Senior Planner Thompson, VVH)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1027 making the environmental finding and approving Zone Change No.19-3 changing the zoning designation of APNs 005-120-030, 032, 042, 050, 054, 055 from Planned Development (PD-34) to Thoroughfare Commercial (CT) for property located at the intersection of Green Sands and Buhach Road.

10. **Waiving the second reading and adopting an ordinance making the environmental finding and amending Title 17 "Zoning" of the Atwater Municipal Code to allow mobile food vendors use in the M-1 Light Industrial, M-2 Industrial, and B-P Business Park Zones** (Senior Planner Thompson, VVH)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1026 making the environmental finding and amending Title 17 "Zoning" Chapter 17.06 "Definitions" and Chapters 17.40 and 17.42 under Sections 17.40.030 and 17.42.030 "Conditional Uses" of the Atwater Municipal Code to allow mobile food vendors under conditional use permit within the (M-1) Light Industrial, (M-2) Industrial, and (B-P) Business Park Zones.

FUNDING AND BUDGET MATTERS:

11. **Verbal report regarding unaudited review of general and other funds for Fiscal Year 2018-19** (Finance Director Jacobs-Hunter)

REPORTS AND PRESENTATIONS FROM STAFF:

12. **Making the environmental finding and awarding General Construction Contract to Rolfe Construction Company for the Winton Way Reconstruction Project** (General Services Manager Pereida)

Staff's Recommendation: Motion to make the finding that the Project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) section 15301 "Existing Facilities"; to award a General Construction Contract, in a form approved by the Interim City Attorney, to Rolfe Construction Company of Atwater, California, in the amount not to exceed \$2,223,042.40 for the construction of Project No. 15-1, the Winton Way Reconstruction Project; 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.

13. **Adopting resolution committing the net proceeds received from the TCP settlement be utilized solely for the remediation of TCP from the City of Atwater's municipal drinking water system and requiring a supermajority vote to prevent any future repeal or modification to this resolution (City Manager Waterman)**

Staff's Recommendation: Adoption of Resolution No. 3130-20 committing the net proceeds received from the TCP settlement be utilized solely for the remediation of TCP from the City of Atwater's municipal drinking water system and requiring a supermajority vote to prevent any future repeal or modification to this resolution, in a form as approved by the Interim City Attorney; or

Motion to approve staff's recommendation as presented.

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:

In memory of Dave Honey

CERTIFICATION:

I, Lucy Armstrong, City Clerk/Board Secretary 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/BOARD SECRETARY

AB 23 NOTICE:

Pursuant to Government Code Section 54952.3, City Council is not receiving additional compensation for serving as members of the Successor Agency to the Atwater Redevelopment Agency.

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) 357-6317. You may also send the request by email to larmstrong@atwater.org.