

Pursuant to the provisions of the Governor's Executive Orders N-29-20, which suspended certain requirements of the Brown Act, you may observe a livestream of the meeting at www.atwater.org.

If you wish to make either a general public comment or to comment on a specific agenda item, please submit your comment (include Agenda Item Number in the subject line) to the City Clerk at cityinfo@atwater.org. Email comments will be accepted on or before 5:00 PM of the meeting date.

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) 357-6300.

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

July 13, 2020

REGULAR SESSION: (Council Chambers)

6:00 PM



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Juan Urióstegui

ROLL CALL: (City Council)

Ambriz _____, Cale _____, Raymond _____, Vierra _____, Creighton _____

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:

• **Patriotic Porch Parade Winners**

Staff's Recommendation: That Mayor Pro Tem Raymond and Atwater Police Officer's Association Representative Dave Sarginson present the certificates of recognition to the winners of the 2020 Patriotic Porch Parade.

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. **July 13, 2020**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. a) **June 22, 2020 – Special meeting**
b) **June 22, 2020 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

3. **Initiates proceedings for the annual assessments levy with respect to the various maintenance districts for Fiscal Year 2020-21 (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Adoption of Resolution No. 3160-20 initiating proceedings for the annual assessment levy with respect to the various maintenance districts for Fiscal Year 2020-21 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

4. **Ordering the Engineer to prepare and file reports, declaring the City's intent to collect assessments, preliminarily approving Engineer's Reports, and setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2020-21 (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Adoption of Resolution No. 3161-20 ordering the Engineer to prepare and file reports for the collection of annual levy for various assessments for the Lighting and Drainage and Landscape Maintenance Districts for Fiscal Year 2020-21; and adoption of Resolution No. 3162-20 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2020-21, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for July 27, 2020.

5. **Establishing a Coin Toss to be the tie-breaking method used to resolve tie votes resulting from an election (City Clerk Armstrong)**

Staff's Recommendation: Adoption of Resolution No. 3164-20 establishing a coin toss to be the tie-breaking method used to resolve tie votes resulting from an election pursuant to Section 15651 of the Elections Code.

AGREEMENTS:

6. **Approving Memorandum of Understanding with the Fresno County Sheriff's Office regarding California High Intensity Drug Trafficking Area (Police Chief Salvador)**

Staff's Recommendation: Approves a Memorandum of Understanding (MOU), in a form approved by the City Attorney, with the Fresno County Sheriff's Office regarding California High Intensity Drug Trafficking Area (HIDTA) Task Force; and authorizes and directs the City Manager to execute the Memorandum of Understanding on behalf of the City.

PUBLIC IMPROVEMENTS:

7. **Accepting Third Street Sidewalk Improvement Project as complete (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Accepts work done under the contract for Third Street Sidewalk Improvements, City Project No. 18-1 as complete; authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$4,074.15.

PUBLIC HEARINGS:

8. **Naming the field located on the Northwest side of Osborn Park, commonly known as Osborn Field, the "Frank Reponde Memorial Field" (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Open the Public Hearing and receive any testimony given;

Close the public hearing;

Motion to adopt Resolution No. 3151-20 approving the naming of the field located on the Northwest side of Osborn Park, commonly known as Osborn Field, the “Frank Reponde Memorial Field”; or

Motion to approve staff’s recommendation as presented.

9. **Waiving the first reading and introducing an ordinance approving zone change from Planned Development (PD-26) to Business Park (BP) for property located North of Bell Drive and West of Truckee Drive (Public Works/Community Development Director Thompson)**

Staff’s Recommendation: Open the Public Hearing and receive any testimony given;

Close the public hearing;

Motion to make a finding that the project is categorically exempt under the California Environmental Quality Act (“CEQA”) Guidelines, Section 15305 “Minor Alterations to Land Use Limitations; and

Motion to waive the first reading and introduce Ordinance No. CS 1031 approving Zone Change No. 20-9-0100 changing the zoning designations of property located north of Bell Drive and west of Truckee Drive (APN: 001-134-012) from Planned Development (PD) to Business Park (B-P); or

Motion to approve staff’s recommendation as presented.

10. **Waiving the first reading and introducing ordinance amending Development Agreement by and between the City of Atwater and Central Cal Brothers, Inc. regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 664 Railroad Avenue, Atwater (Public Works/Community Development Director Thompson)**

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

Close the public hearing;

Motion to waive the first reading and introduce Ordinance No. CS 1030 approving First Amendment to the Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Central Cal Brothers regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 664 Railroad Ave, Atwater; and to authorize and direct the City Manager to execute the Amendment on behalf of the City; or

Motion to approve staff’s recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

11. **Resolution approving an amendment to Power Purchase Agreement for energy related improvements to City of Atwater facilities with California Solar 3, LLC** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to adopt Resolution No. 3158-20 approving an amendment to the Power Purchase Agreement, in a form approved by the City Attorney, with California Solar 3, LLC for the installation of a ground-mounted solar project at the Wastewater Treatment Plant (WWTP) as per the requirements of California Government Code Section 4217.10-4217.18; and

Motion to authorize and direct the City Manager to execute the Amendment to the Agreement, and any and all related documents in order to implement the project, on behalf of the City; or

Motion to approve staff's recommendation as presented.

12. **Resolution approving a budget amendment to 1,2,3 TCP Fund** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to adopt Resolution No. 3163-20 approving Budget Amendment No. 11 amending Fiscal Year 2019-20 Budget to increase 1,2,3-TCP Fund; or

Motion to approve staff's recommendation as presented.

13. **Approving contract change orders to General Construction Contract Rolfe Construction Company for the Winton Way Reconstruction Project** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to certify and re-approve Contract Change Orders 1 through 6; and

Motion to approve Change Order 7 and 8 to General Construction Contract to Rolfe Construction Company for the Winton Way Reconstruction Project, Project No. 15-1 in an amount totaling: \$587,608.50; 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:

Discussion and possible action regarding a four month stay on water rate increase
(Council Member Ambriz)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding a four month stay on the water rate increase.

City Council comments

ADJOURNMENT:

In memory of Martha Jantzen

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