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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](mailto: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

**September 28, 2020**

CALL TO ORDER:

**5:30 PM**

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager

REGULAR SESSION: (Council Chambers)

**6:00 PM**



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Pastor Tyson Tolbert**

**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.

**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) August 24, 2020**  
**b) September 14, 2020**  
**c) September 28, 2020**

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

**TREASURER'S REPORTS:**

2. **a) July 31, 2020**  
**b) August 31, 2020**

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

**MINUTES:** (City Council)

3. **a) August 4, 2020 – Special meeting**  
**b) August 10, 2020 – Regular meeting**  
**c) August 31, 2020 – Special meeting**

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

MINUTES: (Audit and Finance Committee)

**4. July 27, 2020 - Regular meeting**

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

CALL FOR BIDS:

**5. Authorizing re-advertising and calling for bids for Propane Fuel Delivery Services** (Deputy Director of Public Works/Community Development Holsinger)

**Staff's Recommendation:** Authorizes re-advertising and calling for bids for Bid Call No. 690-20, Propane Fuel Delivery Services.

**6. Approving plans and specifications and authorizing advertising and calling for bids for Fire Station 41 Roof Repair Project** (Deputy Director of Public Works/Community Development Holsinger)

**Staff's Recommendation:** Approval of the plans and specifications and authorizes advertising and calling for bids for Bid Call No. 698-20, Fire Station 41 Roof Repair Project, City Project No. 20-10.

**7. Approving plans and specifications and authorizing advertising and calling for bids for the Purchase and Installation of Temporary Portable Wastewater Pumps for Castle Interceptor** (Deputy Director of Public Works/Community Development Holsinger)

**Staff's Recommendation:** Approval of the plans and specifications and authorizes advertising and calling for bids for Bid Call No. 699-20, Purchase and Installation of Temporary Portable Wastewater Pumps for Castle Interceptor, City Project No. 20-11.

RESOLUTIONS:

**8. Authorizing a Purchase and Sale Agreement with Certified Stainless Service, Inc., doing business as West-Mark, LLC, for certain property located on Aviator Drive, APNs: 056-330-016 and 056-330-034** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Adoption of Resolution No. 3179-20 authorizing a Purchase and Sale Agreement with Certified Stainless Service, Inc., doing business as (DBA) West-Mark, LLC, in a form approved by the City Attorney, for certain property located on Aviator Drive, APNs: 056-330-016 and 056-330-034, in the amount of \$371,500; and authorizes and directs the City Manager to execute the Agreement and all documents related to the sale of the Property on behalf of the City.

- 9. Authorizing the recordation of municipal utility liens against real property for unpaid water, wastewater, and sanitation fees and charges** (Finance Director Jacobs-Hunter)

**Staff's Recommendation:** Adoption of Resolution No. 3183-20 authorizing the recordation of municipal utility liens against real property for unpaid water, wastewater, and sanitation fees and charges.

- 10. Approving a budget amendment to allocate funding for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, and awarding a General Construction Contract to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, California for the Repair and Upgrade Traffic Signal at Winton Way and Bellevue Road** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Adoption of Resolution No. 3182-20 approving Budget Amendment No. 6 amending Fiscal Year 2020-21 Budget to allocate funding for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, in the amount of \$85,000; and awards a General Construction Contract, in a form approved by the City Attorney, to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, California, for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, Project No. 20-6; Bid Call No. 697-20, in an amount not to exceed \$73,493; and authorizes and directs the City Manager to execute the Contract on behalf the City.

**PUBLIC HEARINGS:**

- 11. Waiving the first reading and introducing an ordinance approving Element 7 Atwater, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary, distribution, and cultivation business located at 230 Commerce Avenue** (Public Works/Community Development Director Thompson)

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

Close the public hearing for this meeting;

Motion to continue the public hearing to the regular City Council meeting of October 12, 2020.

- 12. Waiving the first reading and introducing an ordinance approving Pacific Ag, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and manufacturing business located at 1779 and 1883 Sycamore Avenue** (Public Works/Community Development Director Thompson)

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

Close the public hearing for this meeting;

Motion to continue the public hearing to the regular City Council meeting of October 12, 2020.

**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.



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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) 357-6317. You may also send the request by email to [larmstrong@atwater.org](mailto:larmstrong@atwater.org).*