

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

October 12, 2020

CALL TO ORDER:

5:30 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Legal Counsel – Initiating 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 Pastor Rich Miller

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. October 12, 2020

Staff's Recommendation: Approval of warrants as listed.

RESOLUTIONS:

2. Authorizing the Sale of the Promissory Note related to 550 Commerce Avenue, APN: 056-241-005 to Terry Rolfe and Delores Rolfe and authorizing the City Manager, or designee, to take related actions (Deputy City Manager Del Real and Public Works/Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. 3186-20 authorizing the sale of the promissory note related to 550 Commerce Avenue, APN: 056-241-005 to Terry Rolfe and Delores Rolfe for \$1,500,000 and authorize and direct the City Manager, or designee, to take related actions along with executing any and all documents related to the sale.

3. **Rescind the awarding of the General Services Agreement to Modern Air Mechanical of Merced, California for the Removal and Replacement of Heating and Ventilation and Air Conditioning (HVAC) Units at Various City-Owned Facilities and adopting a resolution approving a budget amendment to allocate additional funding for Internal Service Fund, Government Buildings, Improvements Other Than Bldgs** (Deputy Director of Public Works/Community Development Holsinger)

Staff's Recommendation: Rescinds the award of a General Services Agreement to Modern Air Mechanical of Merced, California for the Alternate Bid Item No. 1 of Bid Call No. 693-20, "Removal and Replacement of Heating Ventilation and Air Conditioning (HVAC) Units at Various City-owned Facilities," in an amount not to exceed \$50,000; and adopts Resolution No. 3185-20 approving Budget Amendment No. 8 amending Fiscal Year 2020-21 Budget to increase allocations in the amount of \$76,000 for Internal Services Fund, Government Buildings, Improvements Other Than Bldgs; and awards a General Services Agreement, in a form approved by the City Attorney, to Modern Air Mechanical of Merced, California for the Base Bid and the Alternate Bid Item No. 1 of Bid Call No. 693-20, "Removal and Replacement of Heating Ventilation and Air Conditioning (HVAC) Units at Various City-owned Facilities," in an amount not to exceed \$175,520; and authorizes and directs the City Manager, or designee, to execute the Agreement on behalf of the City.

AGREEMENTS:

4. **Accepting Fiscal Year 2020-21 Office of Traffic Safety grant award regarding Regional Collision Response and Extrication Improvement Program and declaring Genesis Extrication Equipment a sole source item** (CAL FIRE Battalion Chief Slate)

Staff's Recommendation: Accepts Fiscal Year 2020-21 Office of Traffic Safety grant for the Regional Collision Response and Extrication Improvement Program, and authorizes and directs the City Manager or designee to execute any and all documents related to the grant on behalf of the City; and declares Genesis Extrication Equipment a sole source item, exempting the purchase from centralized purchasing pursuant to Atwater Municipal Code section 3.04.110; and approves a purchase agreement (purchase order) with Municipal Emergency Services of San Diego, California for the purchase of extrication equipment, in an amount not to exceed \$37,909.44; and authorizes and directs the City Manager, or designee, to execute the Agreement on behalf of the City.

5. **Awarding a Professional Services Agreement to Mid Valley IT of Merced, California for augmented managed information technology (IT) support services** (Information Technology Manager Lamerson)

Staff's Recommendation: Awards a Professional Services Agreement, in a form approved by the City Attorney, to Mid Valley IT of Merced, California, for Augmented Managed Information Technology ("IT") Support Services, in an amount not to exceed \$72,000 annually; and authorizes and directs the City Manager, or designee, to execute the Agreement on behalf of the City.

PUBLIC HEARINGS:

- 6. 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: Re-open the public hearing and take any testimony given;

Close the public hearing;

Motion to make a finding that Element 7 Atwater, LLC cannabis business project is categorically exempt under the California Environmental Quality Act ("CEQA") Guidelines, section 15301, "Existing Facilities" exemption; and

Motion to waive the first reading and introduce Ordinance No. CS 1033 approving Element 7 Atwater, LLC Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for cannabis dispensary, distribution, and cultivation business located at 230 Commerce Avenue (APN 056-390-006); or

Motion to approve staff's recommendation as presented.

- 7. 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: Re-open the public hearing and take any testimony given;

Close the public hearing;

Motion to make a finding that Pacific Ag, LLC cannabis business project is categorically exempt under the California Environmental Quality Act ("CEQA") Guidelines, sections 15301 "Existing Facilities" and 15332 "Infill Exemption"; and

Motion to waive the first reading and introduce Ordinance No. CS 1034 approving Pacific Ag, LLC Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and manufacturing business located at 1779 and 1883 Sycamore Avenue (APN's 001-146-010 and 001-146-011); or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

8. **Verbal update regarding City of Atwater's Election and Appointment of Candidate** (Deputy City Clerk Vang)
9. **Resolution 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: Motion to adopt Resolution No. 3183-20 authorizing the recordation of municipal utility liens against real property for unpaid water, wastewater, and sanitation fees and charges.

10. **Resolution authorizing the purchase of the following real property for the TCP Remediation Project: 1. APN 156-131-053 (portion) for \$150,000 from Moe Jawad; 2. APN 056-241-007 (portion) from Chris Briscoe for \$47,000; 3. APN 150-160-026 from the City's General Fund for \$233,000; 4. APN 004-010-025 (portion of Joan Faul Park) from the City of Atwater's General Fund for \$221,5000; and either 5. APN 156-070-030 (portion) from Parkash K. Bassi for up to \$150,000; or 6. APN 004-010-010 (portion) from the Atwater Elementary School District for up to \$150,000; and Approving the expenditure of an additional \$30,000 for closing costs and related expenses and authorizing the City Manager, or designee, to execute related documents for such purchases** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to adopt Resolution No. 3188-20 authorizing the purchase of the following real property for the TCP Remediation Project: 1. APN 156-131-053 (portion) for \$150,000 from Moe Jawad; 2. APN 056-241-007 (portion) from Chris Briscoe for \$47,000; 3. APN 150-160-026 from the City's General Fund for \$233,000; 4. APN 004-010-025 (portion of Joan Faul Park) from the City of Atwater's General Fund for \$221,5000; and either 5; APN 156-070-030 (portion) from Parkash K. Bassi for up to \$150,000; or 6. APN 004-010-010 (portion) from the Atwater Elementary School District for up to \$150,000, Approving the expenditure of an additional \$30,000 for closing costs and related expenses and authorizing the City Manager or designee to execute related documents for such purchases; and

Motion to authorize and direct the City Manager or designee to execute the Agreements and all documents related to the purchase of the Properties on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 11. Verbal Quarterly Public Works Update regarding City's Streets and Parks**
(Deputy Director of Public Works/Community Development Holsinger)

CITY MANAGER UPDATES:

- 12. Monthly verbal update regarding City of Atwater 1,2,3-TCP Remediation Project**

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.



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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