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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

**October 26, 2020**

REGULAR SESSION: (Council Chambers)

**6:00 PM**



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Pastor John Motz**

ROLL CALL:

**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.

PRESENTATIONS:

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

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 26, 2020**

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

TREASURER'S REPORT:

2. **September 30, 2020**

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

MINUTES: (City Council)

3. **a) September 28, 2020 – Regular meeting  
b) October 12, 2020 – Regular meeting**

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

MINUTES: (Audit and Finance Committee)

4. **September 28, 2020 – Regular meeting**

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

CALL FOR BIDS:

5. **Rejecting all bids for Unleaded and Diesel Fuel Delivery Services and a Card Lock System for the Corporation Yard, and approving specifications and authorizing re-advertising and calling for bids for Bulk Unleaded and Diesel Fuel Delivery Services for the Corporation Yard (Deputy Director of Public Works/Community Development Holsinger)**

**Staff's Recommendation:** Rejects all bids for Bid Call No. 689-20, "Unleaded and Diesel Fuel Delivery Services and a Card Lock System for the Corporation Yard"; and approves the plans and specifications and authorize re-advertising and calling for bids for Bid Call No. 701-20, "Bulk Unleaded and Diesel Fuel Delivery Services for the Corporation Yard".

**RESOLUTIONS:**

- 6. Declaring the appointment of Tyler Button to the Office of the District Two City Councilmember, and to serve the term beginning December 2020 and ending December 2024 on the City Council as if elected at the District Election on Tuesday, November 3, 2020 (City Clerk Armstrong)**

**Staff's Recommendation:** Adopts Resolution No. 3187-20 declaring the appointment of Tyler Button to the Office of the District Two City Councilmember, and to serve the term beginning December 2020 and ending December 2024 on the City Council as if elected at the District Election on Tuesday, November 3, 2020.

- 7. Approving a General Services Agreement with EcoGreen Solutions for LED Retrofit Project (Deputy Director of Public Works/Community Development Holsinger)**

**Staff's Recommendation:** Adopts Resolution No. 3189-20 approving a General Services Agreement, in a form approved by the City Attorney, with EcoGreen Solutions to convert City-owned lights to energy efficient Light Emitting Diodes (LED), LED Retrofit Project, City Project No. 20-14; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

**AGREEMENTS:**

- 8. Awarding a General Services Agreement to Pac Machine Company, Inc. of Sacramento, California for the Purchase and Installation of Temporary Portable Wastewater Pumps for Castle Interceptor Project (Deputy Director of Public Works/Community Development Holsinger)**

**Staff's Recommendation:** Awards a General Services Agreement, in a form approved by the City Attorney, to Pac Machine Company, Inc. of Sacramento, California for the Purchase and Installation of Temporary Portable Wastewater Pumps for Castle Interceptor Project, Project No. 20-11; Bid Call No. 699-20, in an amount not to exceed \$122,573.00; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

- 9. Awarding a General Construction Contract to F. Loduca Co. of Stockton, California, for the Mitchell Schools Area Pedestrian Improvements Project (Public Works/Community Development Director Thompson)**

**Staff's Recommendation:** Awards a General Construction Contract, in a form approved by the City Attorney, to F. Loduca Co. of Stockton, California, for the Mitchell Schools Area Pedestrian Improvements Project, Federal Project No. CML-5254(029), City Project No. 19-1, Bid Call No. 692-20, in an amount not to exceed \$347,929.80; authorizes and directs the City Manager, or her designee, to sign and affirm construction contract change orders up to an aggregate of \$34,792.98 (10%); and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City.

- 10. Awarding a General Construction Contract to Phase 1 Construction of Atwater, California, for the Aileen Colburn Pedestrian Improvements Phase 2 Project** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Awards a General Construction Contract, in a form approved by the City Attorney, to Phase 1 Construction, of Atwater, California, for the Aileen Colburn Pedestrian Improvements Phase 2 Project, Federal Project No. CML-5254(028), City Project No. 17-1, Bid Call No. 691-20, in an amount not to exceed \$414,372.00; authorizes and directs the City Manager, or her designee, to sign and affirm construction contract change orders up to an aggregate of \$41,437.20 (10%); and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City.

- 11. Awarding a General Services Agreement to Pacific Polymers, Inc. of Galt, California, doing business as American Foam Experts, for the Fire Station 41 Roof Repair Project** (Deputy Director of Public Works/Community Development Holsinger)

**Staff's Recommendation:** Awards a General Services Agreement, in a form approved by the City Attorney, to Pacific Polymers, Inc. of Galt, California, doing business as (DBA) American Foam Experts, City Project No. 20-10, Bid Call No. 698-20, in an amount not to exceed \$77,810.00; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

**ORDINANCES:**

- 12. Waiving the second reading and adopting 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:** Waives the second reading and adopts 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).

- 13. Waiving the second reading and adopting an ordinance approving Pacific Agricultural Holdings, 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:** Waives the second and adopts Ordinance No. CS 1034 approving Pacific Agricultural Holdings, 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 (APNs: 001-146-010 and 001-146-011).

**REPORTS AND PRESENTATIONS FROM STAFF:**

- 14. Verbal Quarterly Update regarding City's Recreation and Community Events (Administrative Assistant Billings)**
- 15. Authorization to remit mandatory minimum penalties to Central Valley Regional Water Quality Control Board for the Atwater Regional Wastewater Treatment Facility for the period of June 2012 through April 2013 (Public Works/Community Development Director Thompson)**

**Staff's Recommendation:** Motion to authorize remittance of mandatory minimum penalties, in the amount of \$27,000, to the Central Valley Regional Water Quality Control Board for Record of Violations of effluent limitations during the period of June 27, 2012 through April 30, 2013; 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:

- 16. Adopting a Resolution authorizing the early retirement of the loan from the Wastewater Enterprise Fund to the General Fund** (City Manager Waterman and Finance Director Jacobs-Hunter)

**Staff's Recommendation:** Motion to adopt Resolution No. 3190-20, authorizing the early retirement of the loan from the Wastewater Enterprise Fund to the General Fund, in the amount of \$1,723,910.65; or

Motion to approve staff's recommendation as presented.

- 17. Discussion and possible action regarding a City event celebrating the early retirement of the General Fund debt**

**City Council comments**

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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