

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 5:30 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 AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

December 14, 2020

CALL TO ORDER:

5:15 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiator - Government Code Section 54957.6
Agency Negotiators: Mayor Creighton and Deputy City Manager Del Real;
Unrepresented Employees**

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 _____

MINUTES: (City Council)

1. a) **October 26, 2020 - Regular meeting**
b) **November 9, 2020 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

NOVEMBER 3, 2020 ELECTION RESULTS:

2. **Resolution certifying the canvassing of votes in the November 2020 General Municipal Election** (City Clerk Armstrong)

Staff's Recommendation: Motion to adopt Resolution No. 3194-20 certifying the canvassing of votes in the November 2020 General Municipal Election; or

Motion to approve staff's recommendation as presented.

OUTGOING CITY COUNCIL MEMBER COMMENTS:

- City Council Member Cindy Vierra
- City Treasurer Jim Heller

CEREMONIAL MATTERS:

Presentations

- **Presentation of plaque to Cindy Vierra for her years of service as City Council Member to the City of Atwater.**

Staff's Recommendation: That Mayor Creighton make the presentation to Cindy Vierra.

- **Presentation of plaque to Jim Heller for his years of service as City Treasurer to the City of Atwater.**

Staff's Recommendation: That Mayor Creighton make the presentation to Jim Heller.

PRAYER FOR EXITING CITY COUNCIL MEMBERS AND CITY TREASURER:

Prayer by Pastor Rich Miller

OATH OF OFFICE:

- **City Council Member John Cale**
- **City Council Member Tyler Button**
- **City Clerk Lucy Armstrong**
- **City Treasurer Mark Borba**

Staff's Recommendation: That Mayor Creighton administer the oath of office to newly elected City Council Members John Cale and Tyler Button, to newly elected City Clerk Lucy Armstrong, and to newly elected City Treasurer Mark Borba.

RECESS TO BRIEF RECEPTION:

RESUME REGULAR SESSION:

INVOCATION:

Invocation by Pastor John Motz

ROLL CALL:

Ambriz _____, Button _____, Cale _____, Raymond _____, Creighton _____

OPENING STATEMENTS FROM NEWLY ELECTED CITY COUNCIL MEMBERS:

- **City Council Member John Cale**
- **City Council Member Tyler Button**

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:

- **Certificates of Recognition - Retired Police Sergeant Armando Echevarria and Retired Police Officer William Martin Jr.**

Staff's Recommendation: That Police Chief Salvador present a certificate of recognition to Retired Police Sergeant Armando Echevarria and Retired Police Officer William Martin Jr. for their years of service.

*****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:

3. a) **November 23, 2020**
b) **December 14, 2020**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

4. **October 31, 2020**

Staff's Recommendation: Approval of report as listed.

CALL FOR BIDS:

5. **Approving specifications and authorizing advertising and call for bids for Bid Call No. 704-20; Project No. 20-15 “Water Tower Recoating/Renovations Project”** (Deputy Director of Public Works/Community Development Holsinger)

Staff's Recommendation:

Approval of specifications and authorizes advertising and calling for bids for Bid Call No. 704-20, “Water Tower Re-coating/Renovations Project,” City Project No. 20-15.

RESOLUTIONS:

6. **Adopting the Recognized Obligation Payment Schedule and Administrative Budget for Fiscal Year 2021-22** (Finance Director Jacobs-Hunter)

Staff's Recommendation:

Adoption of Resolution No. SA 2020-4 adopting the Recognized Obligation Payment Schedule 21-22 for the July 1, 2021 through June 30, 2022 period and adopting the Administrative Budget for Fiscal Year 2021-22.

7. **Adopting a resolution adopting Salary Schedule effective December 24, 2020** (City Manager Waterman and Deputy City Manager Del Real)

Staff's Recommendation: Adoption of Resolution No. 3195-20 adopting Salary Schedule B-21 effective December 24, 2020.

8. **Adopting a resolution authorizing and directing the City Manager to execute an application submittal for Round 4 of the Statewide Park Development and Community Revitalization Program Grant Fund (Proposition 68)** (Deputy Director of Public Works/Community Development Holsinger)

Staff's Recommendation:

Adoption of Resolution No. 3191-20 authorizing submittal of an application to Round 4 of the California Department of Parks and Recreation, Office of Grants and Local Services, Statewide Park Development and Community Revitalization Program (Proposition 68); and authorizes and directs the City Manager to execute application, Grant Agreement, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded.

9. **Adopting a resolution authorizing a Purchase and Sale Agreement with Golden State Realty Association for certain property located North of Bell Drive and West of Truckee Drive, APN: 001-134-012** (Public Works/Community Development Director Thompson)

Staff's Recommendation:

Adoption of Resolution No. SA 2020-3 authorizing a Purchase and Sale Agreement with Golden State Realty Association, in a form approved by the City Attorney, for certain property located North of Bell Drive and West of Truckee Drive, APN: 001-134-012, in the amount of \$600,000; and authorizes and directs the City Manager, or her designee, to execute the Agreement and all documents related to the sale of the Property on behalf of the City.

10. **Adopting a resolution approving a Professional Services Agreement with RSG, Inc. for Successor Agency consulting services for Fiscal Year 2021-22** (Finance Director Jacobs-Hunter)

Staff's Recommendation:

Adoption of Resolution No. SA 2020-5 approving a Professional Services Agreement, in a form approved by the City Attorney, with RSG, Inc. in the amount not to exceed \$25,000 for Successor Agency consulting services for FY 2021-22; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

AGREEMENTS:

11. **Awarding a Professional Services Agreement to QK, Inc. of Merced, CA for Engineering Services for the Design of the Rehabilitation/Replacement of Applegate Wastewater Pump Station Project** (Deputy Director of Public Works/Community Development Holsinger)

Staff's Recommendation:

Awards a Professional Services Agreement, in a form approved by the City Attorney, to QK, Inc. of Merced, California for the Design of the Rehabilitation/Replacement of Applegate Wastewater Pump Station Project, City Project No. 20-16, in an amount not to exceed \$83,265.00; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

12. **Adopting a resolution approving a budget amendment to allocate additional funding for the Fruitland Avenue Reconstruction-Phase 2 Project, and awarding a General Construction Contract to Phase 1 Construction of Atwater, California for the Fruitland Avenue Reconstruction - Phase 2 Project** (Public Works/Community Development Director Thompson)

Staff's Recommendation:

Adoption of Resolution No. 3193-20 approving Budget Amendment No.9 amending Fiscal year 2020-21 Budget to allocate additional funding for Fruitland Avenue Reconstruction-Phase 2 in the amount of \$1,105,315.28; awards a General Construction Contract, in a form approved by the City Attorney, to Phase 1 Construction of Atwater, California, for the Fruitland Avenue Reconstruction – Phase 2 Project, City Project No.16-2-2; Bid Call No. 703-20, in an amount not to exceed \$982,104.80; authorizes and directs the City Manager, or her designee, to sign and affirm construction change orders up to an aggregate of \$98,210.48 (10%); authorizes and directs the City Manager, or her designee, to enter into a Professional Services Agreement and/or task order for construction staking, testing, and special inspection in an amount not to exceed a total of \$25,000; and authorizes and directs the City Manager, or her designee, to execute the Contract on behalf of the City.

PUBLIC IMPROVEMENTS:

13. **Accepting Veterans Park Water Playground Project as complete** (Public Works/Community Development Director Thompson)

Staff's Recommendation:

Accepts work done under the contract for the Veterans Park Water Playground Project, City Project No. 19-4 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 \$16,153.50.

OTHER ACTIONABLE ITEMS:

14. **Accepting 2021 Regular Meeting Schedule which cancels the second City Council meeting of the month in November and December 2021** (City Clerk Armstrong)

Staff's Recommendation: Accepts the 2021 Regular Meeting Schedule which cancels the second meeting of the month in November and December 2021; and authorizes and directs the Mayor and/or the City Manager to sign any documents required to maintain essential City services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting.

*****END OF CONSENT CALENDAR*****

REPORTS AND PRESENTATIONS FROM STAFF:

15. **Resolution authorizing the purchase of the following real property for the TCP Remediation Project: 1) APN 156-131-053 (portion) for \$150,000 from Golden State Realty Association and 2) APN 156-070-028 for \$90,000 from Adrian Garcia Vidrio and Tania Lizete Romero Mejia; and increasing the spending authority for the purchase of APN 004-010-025 (Joan Faul Park) to \$470,000; and approving the expenditure of an additional \$30,000 for closing costs and related expenses and authorizing the City Manager, or her designee, to execute related documents (Public Works/Community Development Director Thompson)**

Staff's Recommendation:

Motion to adopt Resolution No. 3192-20 authorizing the purchase of the following real property for the TCP Remediation Project: 1. APN 156-131-053 (portion) for \$150,000 from Golden State Realty Association and 2. APN 156-070-028 for \$90,000 from Adrian Garcia Vidrio and Tania Lizete Romero Mejia; and increasing the spending authority for the portion of property located at APN 004-010-025 (Joan Faul Park) to \$470,000; and approving the expenditure of an additional \$30,000 for closing costs and related expenses; and authorizes the City Manager, or her designee, to execute related documents; and

Motion to authorize and direct the City Manager, or her 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.

CITY MANAGER UPDATES:

16. **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.

- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property price and terms of payment. Agency Negotiator: City Manager Waterman, City Attorney Splendorio, and Public Works/Community Development Director Thompson. Negotiating Parties: Certified Stainless Service, Inc.**

Property Location: Portion of APN 056-241-014

- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Kane Corporation representing Conservation Liquidation Office**

**Property Location: APN 004-010-014
 APN 004-010-015**

ADJOURNMENT:

In memory of John Haug

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.