

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 4:30 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

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

January 25, 2021

CALL TO ORDER:

4:30 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: David Doo; Daisy Fuentes; Kane Corporation representing Conservation Liquidation Office; and Passadori Living Trust

Property Locations: **APN 002-206-006**
 APN 002-207-008
 APN 004-010-014
 APN 004-010-015
 APN 002-213-013

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Steve Mead

ROLL CALL:

Ambriz _____, Button _____, Cale _____, Raymond _____, 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.

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. **January 25, 2021**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **a) November 30, 2020
b) December 31, 2020**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. **a) January 11, 2021 - Special meeting
b) January 11, 2021 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

CALL FOR BIDS:

4. **Approving specifications and authorizing advertising and call for bids for Bid Call No. 705-20; "Purchase of One 2021 Ford Systems Maintenance Truck for the Public Works Department Water Division" (Deputy Director of Public Works Holsinger)**

Staff's Recommendation: Approves specifications and authorizes advertising and calling for bids for Bid Call No. 705-20; "Purchase of One 2021 Ford Systems Maintenance Truck for the Public Works Department Water Division"

RESOLUTIONS:

5. **Adopting a resolution authorizing an application for and receipt of AB101 Planning Grant support program funds (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Adopts Resolution No. 3206-21 authorizing submittal of an application to the California Department of Housing and Community Development; and authorizing and directing the City Manager to execute the application, and all documents related to the grant acceptance and agreement, on behalf of the City, including administration, if awarded.

6. **Adopting a resolution authorizing and directing the City Manager or her designee to execute all agreements or documents on behalf of the City, required for CMAQ Project-CML-5254(030) Phase 1 Pedestrian Improvements to Connect with Downtown and adopting a resolution approving a budget amendment and amending the 5 Year Capital Improvement Program to allocate funding for the Phase 1 Pedestrian Improvements to Connect with Downtown.** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. 3200-21 authorizing and directing the City Manager, or her designee, to execute all agreements or documents, on behalf of the City, required for Federal Aid (CMAQ) Project No. CML-5254(030), Phase 1 Pedestrian Improvements to Connect with Downtown; and adopts Resolution No. 3201-21 approving Budget Amendment No. 11, amending Fiscal Year 2020-21 Budget and amending the 5 Year Capital Improvement Program to allocate funding for Phase 1 Pedestrian Improvements to Connect with Downtown, in the amount of \$1,124,530.

7. **Adopting resolution authorizing and directing the City Manager or her designee to execute all agreements or documents on behalf of the City, required for CMAQ Project-CML5254(031) Phase 2 Pedestrian Improvements to Connect with Downtown and adopting a resolution approving a budget amendment and amending the 5 Year Capital Improvement Program to allocate funding for the Phase 2 Pedestrian Improvements to Connect with Downtown.** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. 3202-21 authorizing and directing the City Manager, or her designee, to execute all agreements or documents on behalf of the City, required for Federal Aid (CMAQ) Project No. CML-5254(031), Phase 2 Pedestrian Improvements to Connect with Downtown; and adopts Resolution No. 3203-21 approving Budget Amendment No.12, amending Fiscal Year 2020-21 Budget and amending the 5 Year Capital Improvement Program to allocate additional funding for Phase 2 Pedestrian Improvements to Connect with Downtown in the amount of \$181,110.

8. **Adopting resolution authorizing and directing the City Manager or her designee to execute all agreements or documents on behalf of the City, required for CMAQ Project-CML5254(032) Phase 3 Pedestrian Improvements to Connect with Downtown and adopting a resolution approving a budget amendment and amending the 5 Year Capital improvement Program to allocate additional funding for the Phase 3 Pedestrian Improvements to Connect with Downtown.** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. 3204-21 authorizing and directing the City Manager, or her designee, to execute all agreements or documents on behalf of the City, required for Federal Aid (CMAQ) Project No. CML-5254(032), Phase 3 Pedestrian Improvements to Connect with Downtown; and adopts Resolution No. 3205-21 approving Budget Amendment No.13 amending Fiscal Year 2020-21 Budget and amending the 5 Year Capital Improvement Program to allocate funding for Phase 3 Pedestrian Improvements to Connect with Downtown in the amount of \$131,910.

9. **Rescinding the award of a General Construction Contract to Tim Paxin's Pacific Excavation of Elk Grove, California for Repairs and Upgrades to the Traffic Signal at Winton Way and Bellevue Road** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Rescinds the award of a General Construction Contract to Tim Paxin's Pacific Excavation, of Elk Grove, California, for Repairs and Upgrades to the Traffic Signal at Winton Way and Bellevue Road, in an amount not to exceed \$73,493.

AGREEMENTS:

10. **Approving an increase to Purchase Order No. 14798 with Pac Machine Company, Inc to include sales tax for the purchase and installation of temporary portable wastewater pumps for the Castle Sewer Interceptor Project** (Deputy Director of Public Works/Community Development Holsinger)

Staff's Recommendation: Approves an increase to Purchase Order No. 14798 with Pac Machine Company of Sacramento, California, to increase the original amount of the Purchase Order of \$122,543.00 to include sales tax in the amount of \$9,944.80 for a total amount of \$132,487.80 for the purchase and installation of temporary portable wastewater pumps for the Castle Sewer Interceptor Project; and authorize and direct the City Manager, or her designee, to sign all documents necessary to increase the amount of the Purchase Order.

11. **Waiving the Formal Procurement Process and awarding a sole source purchase to Tesco Controls, Inc of Sacramento, California for upgrades to the City SCADA software and equipment** (Deputy Director of Public Works/Community Development Holsinger)

Staff's Recommendation: Waives the Formal Procurement Process and award a sole source purchase to Tesco Controls, Inc of Sacramento, California for upgrades to the City SCADA software and equipment, in an amount not to exceed \$94,357.45; and authorize and direct the City Manager, or her designee, to execute the Purchase Order on behalf of the City.

12. **Approving Memorandum of Understanding with the County of Merced for the Merced County Operational Area Hazardous Materials Response Team(CAL FIRE Battalion Chief Ayuso)**

Staff's Recommendation: Approves the Memorandum of Understanding, in a form approved by the City Attorney, with the County of Merced regarding the Merced County Operational Area Hazardous Materials Response Team; and authorize and direct the City Manager, or her designee, to execute any and all documents related to the Memorandum of Understanding on behalf of the City.

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

REPORTS AND PRESENTATIONS FROM STAFF:

13. **Adopting Resolution No. 3198 – 21 Authorizing the City Manager to negotiate and execute, all necessary and required inter-agency purchases and agreements for the City of Atwater 1,2,3-TCP Remediation Project** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to adopt Resolution No. 3198-21, authorizing the City Manager, or her designee, to have signature authority on all inter-agency purchases and agreements involving equipment, supplies, and/or services, which arise from, or are related to, necessary and required agreements with public agencies and utility providers, in an amount not to exceed (NTE) \$500,000; and

Motion to authorize Amendment No. 1 to the Phase 1 Services Progressive Design-Build Contract scope of services to include the purchasing of specified long lead time equipment, progressing design and engineering to 100%, and constructing an early work package for utilities at the Well 16 Treatment Site in the amount of \$1,652,520.00 (*a portion of the previously authorized \$10,000,000 spending authority*); or

Motion to approve staff's recommendation as presented.

CITY MANAGER UPDATES:

14. **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:

15. **Resolution nominating a Board Member for the San Joaquin Valley Air Pollution Control District (SJVAPCD) Committee**

Staff's Recommendation: That the City Council nominate by resolution one of the three candidates to serve on the San Joaquin Valley Air Pollution Control District (SJVAPCD) Board.

16. **City Council Reorganization/Mayor's Committee Assignments**

- **Mayor Pro Tem**
- **Merced County Association of Governments** (1 representative and 1 alternate)
- **League of California Cities Central Valley Division** (1 representative and 2 alternates)
- **City Audit and Finance Committee** (2 representatives)
- **LAFCO** (1 representative)
- **USP/Atwater Community Liason Group** (1 representative and 1 alternate)
- **Atwater Community Services/Neighborhood Watch** (1 representative)
- **4th of July Committee** (1 representative)
- **San Joaquin Valley Air Pollution Control District** (1 representative and 1 alternate)
- **SGMA** (1 representative and 1 alternate)
- **MIRWMP** (1 representative and 1 alternate)
- **ACE Train** (1 Representative and 1 alternate)
- **One Voice** (1 representative and 1 alternate)
- **Bloss House** (2 representatives)
- **Christmas Parade** (2 representatives)
- **General Plan Update Committee** (1 representative and 1 alternate)

Staff's Recommendation: Motion to ratify the Mayor's Committee Assignments.

City Council comments

CLOSED SESSION

Continuation of Closed Session if necessary

ADJOURNMENT:

In memory of Adelos Gorton

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.