

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

February 22, 2021

CALL TO ORDER:

5:30 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; Passadori Living Trust; and Mark A. Riedeman**

Property Locations: **APN 002-206-006**
 APN 002-207-008
 APN 004-010-014
 APN 004-010-015
 APN 002-213-013
 APN 002-208-002

- **Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases (1)**

- **Conference with Legal Counsel - Initiating Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(4): Number of cases (1)**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Jimmy Davis

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.

CEREMONIAL MATTERS:

- **Certificate of Recognition: Ferman Perez**

Staff's Recommendation: That Mayor Pro Tem Cale and Mayor Creighton present a certificate of recognition to Ferman Perez for his contributions to the City.

- **Certificate of Recognition - Fred Warchol**

Staff's Recommendation: That Mayor Creighton, former City Council Member Cindy Vierra, and former City Council Member/Planning Commissioner Andy Krotik recognize Former Planning Commissioner Fred Warchol for his service.

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. **February 22, 2021**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **January 31, 2021**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. a) February 8, 2021 - Special meeting
b) February 8, 2021 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

CALL FOR BIDS:

4. **Approving specifications and authorizing advertising and calling for bids for Bid Call No. 706-21, Project for Tenant Improvement of an Existing Building for the Atwater Police Department (Police Chief Salvador)**

Staff's Recommendation:

Approval of specifications and authorizes advertising and calling for bids for Bid Call No. 706-21, Project for Tenant Improvement of an Existing Building for the Atwater Police Department.

RESOLUTIONS:

5. **Approving and ratifying Side Letter of Agreements with AFSCME Miscellaneous and Clerical Bargaining Units and adopting Salary Schedule C-21 Effective February 18, 2021 (Deputy City Manager Del Real)**

Staff's Recommendation: Adoption of Resolution No. 3209-21 approving and ratifying Side Letter of Agreements, in a form approved by the City Attorney, between the City of Atwater and the American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Miscellaneous and Clerical Bargaining Units, pertaining to certain terms and conditions of employment and authorizes and directs the City Manager to execute the agreement on behalf of the City, and adoption of Resolution No. 3210-21 adopting Salary Schedule C-21 effective February 18, 2021

AGREEMENTS:

6. **Authorizing City Manager to execute agreement with PG&E for rapid rectangular flashing beacons on Winton Way (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Authorizes and directs the City Manager to execute an agreement with PG&E, in the amount of \$28,739.83, to energize rapid rectangular flashing beacons (RRFBs) on Winton Way.

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

REPORTS AND PRESENTATIONS FROM STAFF:

7. **Police Department 2020 Annual Report** (Police Chief Salvador)

8. **Fire Department 2020 Annual Report** (CAL FIRE Battalion Chief Ayuso)

CITY MANAGER REPORTS/UPDATES:

9. **Resolution Determining Continued Need for Emergency Repairs at Canal Creek Bridge, Project No, 21-01**

Staff's Recommendation: Motion to adopt Resolution No. 3211-21 determining there is a need to continue the emergency repairs at Canal Creek Bridge ; Ratify a General Construction Agreement to Teichert Construction, Fowler, California for an amount not to exceed \$112,187.87, establish and add the Capital Improvement Project (CIP), and authorize appropriation transfer from another CIP; 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:

10. **Appointment of one (1) Commissioner Member to the unscheduled vacancy on the City of Atwater Planning Commission for the remaining term of three (3) years ending December 31, 2023.**

Staff's Recommendation: That the City Council nominate one (1) candidate to fill the unscheduled vacancy on the Planning Commission; and

Motion to appoint one (1) candidate to the Planning Commission for the remaining term of three (3) years ending on December 31, 2023.

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

In memory of Former City Clerk Fran Barret and Former City Attorney Dennis Meyers

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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