

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

March 22, 2021

CALL TO ORDER:

5:00 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: Daisy Fuentes and Mark A. Riedeman**

Property Locations: APN 002-207-008
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 (3)**
- **Public Employee Annual Performance Evaluation - California Government Code Section 54957(b)(1): Title: City Attorney**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Rich Miller.

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:

- **Oaths of Office - Police Officer and Reserve Police Officer**

Staff's Recommendation: That Mayor Creighton administer the oaths of office to the newly appointed Police Officer Nicholette Mulligan and Reserve Police Officer Trevor Phillips.

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. **March 22, 2021**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **February 28, 2021**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. **March 8, 2021 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. **a) July 23, 2020 - Special meeting
b) August 19, 2020 - Regular meeting
c) October 28, 2020 - Special meeting
d) November 18, 2020 - Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

AGREEMENTS:

5. **Awarding a General Construction Contract to TBS Contractors of Merced, California, for the Signal Modification at Intersection of Shaffer Road and Juniper Avenue** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Awards a General Construction Contract, in a form approved by the City Attorney, to TBS Contractors of Merced, California, for the Signal Modification at Intersection of Shaffer Road and Juniper Avenue, Federal Project No. HSIPL-5254(026), City Project No. 16-1, Bid Call 700-20, in an amount not to exceed \$116,494.17; and authorize the City Manager to sign and affirm construction contract change orders up to an aggregate of \$11,649.41 (10%); and authorize and direct the City Manager or her designee to execute the Contract on behalf of the City.

6. **Awarding a General Construction Contract to Techno Coatings, Inc. of Anaheim, California for the Water Tower Renovation/Recoating Project No. 20-15** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Awards a General Construction Contract, in a form approved by the City Attorney, to Techno Coatings, Inc. of Anaheim, California for the Water Tower Renovation/Rehabilitation Project No. 20-15 in an amount not to exceed \$978,000.00; and authorize and direct the City Manager, or her designee, to execute the agreement on behalf of the City.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6205.)

7. **Claim No. 2021-5**

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2021-5 be rejected.

8. **Claim No. 2021-7**

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2021-5 be rejected.

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

FUNDING AND BUDGET MATTERS:

9. **FY 19/20 Financial Statement presentation and acceptance by Council** (City Manager Waterman, Finance Director Jacobs-Hunter, and Joseph Arch, President/CEO, JJACPA, Inc.)

Staff's Recommendation: Motion to accept the City of Atwater's audited Financial Statements for the Fiscal Year ended June 30, 2020 and related reports; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

10. **Resolution authorizing Purchase and Sale Agreements with Mark A. Riedeman for certain property located at 1350 Broadway Ave., APN: 002-208-002, in the amount of \$550,000; and Daisy Fuentes for certain property located at 1160 Fifth Street, APN: 002-207-008, in the amount of \$575,000** (City Manager Waterman and Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to adopt Resolution No. 3216-21 authorizing a Purchase and Sale Agreement with Mark A. Riedeman, in a form approved by the City Attorney, for certain property located at 1350 Broadway Ave., APN: 002-208-002, in the amount of \$550,000; and

Motion to adopt Resolution No. 3217-21 authorizing a Purchase and Sale Agreement with Daisy Fuentes, in a form approved by the City Attorney, for certain property located at 1160 Fifth Street, APN: 002-207-008, in the amount of \$575,000; and

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

Motion to approve staff's recommendation as presented.

11. **Monthly 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.



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.