

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

May 10, 2021

CALL TO ORDER:

5:15 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

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

- Pursuant to Government Code Section 54957, Public Employee Employment: Title: Finance Director
- Conference with Labor Negotiator - Government Code Section 54957.6 Agency Negotiators: City Manager Waterman; Unrepresented Employee (Finance Director)

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.

PRESENTATIONS:

- Merced County Association of Governments (MCAG) Measure V Annual Community Report
- Professional Municipal Clerks Week May 2nd - 10th, 2021

Staff's Recommendation: That Mayor Creighton present the proclamation to City Clerk Armstrong, on behalf of the City Clerk's Office, recognizing the Week of May 2-10, as Professional Municipal Clerks Week.

- **National Peace Officers Memorial Week May 10th - 17th, 2021**

Staff's Recommendation: That Mayor Creighton present the proclamation to Police Chief Salvador, on behalf of the Police Department, recognizing the week of May 10th - 17th, 2021 as National Peace Officers Memorial Week.

*****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. May 10, 2021**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

- 2. April 26, 2021 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Audit and Finance Committee)

- 3. a) December 14, 2020 - Special meeting
b) February 22, 2021 - Regular meeting
c) March 22, 2021 - Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

AGREEMENTS:

- 4. Awarding a Professional Services Agreement to QK, Inc. of Merced, CA for Engineering Services for Design of the Rehabilitation/Replacement of Castle Sewer Interceptor Pump Station (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Awards a Professional Services Agreement, in a form approved by the City Attorney, to QK, Inc. of Merced, California for Design of the Rehabilitation/Replacement of Castle Sewer Interceptor Pump Station, in an amount not to exceed \$75,037.00; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

5. **Awarding a Professional Services Agreement to Blackwater Consulting Engineering Inc. of Modesto, CA for Engineering Services for the 2020 Urban Water Management Plan** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Awards a Professional Services Agreement, in a form approved by the City Attorney, to Blackwater Consulting Engineering Inc. of Modesto, California for the Design of the 2020 Urban Water Management Plan, in an amount not to exceed \$35,520.00; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. **Waiving the second reading and adopting an ordinance approving a Zone Change for property located at 1901 Avenue One, Atwater (APN 005-410-003)** Public Works/Community Development Director Thompson

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1037 approving Zone Change No. 21-06-0100 for property located at 1901 Avenue One, Atwater (APN 005-410-003).

7. **Waiving the second reading and adopting an ordinance amending Chapter 13.08, "Sewer Service," of Title 13, "Public Services," of the Atwater Municipal Code** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1038 amending Chapter 13.08, "Sewer Services," of Title 13, "Public Services," of the Atwater Municipal Code.

PUBLIC IMPROVEMENTS:

8. **Accepting the Removal and Replacement of Heating, Ventilation, and Air Conditioning (HVAC) Units at Various City-Owned Facilities Project as Complete** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Accepts work done under the contract for the removal and replacement of heating, ventilation, and air conditioning (HVAC) units at various city-owned facilities as complete; and 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 \$8,776.00.

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

REPORTS AND PRESENTATIONS FROM STAFF:

9. **Adopting Resolution No. 3221-21 approving Budget Amendment No. 17 amending Fiscal Year 2020-21 Budget regarding Police Department Remodel Project** (Police Chief Salvador)

Staff's Recommendation: Motion to adopt Resolution No. 3221-21 approving Budget Amendment No. 17 amending the Fiscal Year 2020-21 Budget to allocate funding from General Fund in the amount of \$120,000 to the Police Department Remodel/ Rehabilitation; 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. **Approving Professional Services Agreement with Best Best & Krieger (BB&K) for City Attorney Legal Services** (City Manager Waterman)

Staff's Recommendation: Approve a Professional Services Agreement for City Attorney Legal Services with Best Best & Krieger, Los Angeles, California, and appoint Frank A. Splendorio as City Attorney; and Authorize and direct the Mayor to execute the agreement on behalf of the City.

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.



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