

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](http://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](mailto:cityinfo@atwater.org). Email comments will be accepted on or before 4:00 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

**July 26, 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 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman and Public Works/Community Development Director Thompson. Property Owner Negotiator: Merced County

Property Location: Lift Station area located at the former Castle Air Force Base

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:

- **Certificate of Recognition - GameTime Baseball**

**Staff's Recommendation:** That Mayor Creighton and the City Council recognize the GameTime Baseball team as the 2021 National Champions.

- **Oath of Office - Police Officer**

**Staff's Recommendation:** That City Clerk Armstrong administer the oath of office to the newly appointed Police Officer Juan Navas.

PRESENTATIONS:

- **Monthly 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. a) July 12, 2021  
b) July 26, 2021

**Staff's Recommendation:** Approval of warrants as listed.

TREASURER'S REPORT:

2. **June 30, 2021**

**Staff's Recommendation:** Approval of report as listed.

MINUTES: (City Council)

3. **June 21, 2021 - Special meeting**

**Staff's Recommendation:** Approval of minutes as listed.

MINUTES: (Audit and Finance Committee)

4. **May 24, 2021 - Regular meeting**

**Staff's Recommendation:** Acceptance of minutes as listed.

**RESOLUTIONS:**

5. **Authorizes the grant application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2021 Body Worn Camera Policy and Implementation Program** (Police Chief Salvador)

**Staff's Recommendation:** Adopt Resolution No. 3238-21, authorizing the grant application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2021 Body-Worn Camera Policy and Implementation Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded.

6. **Authorizing Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2020-2021** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Adoption of Resolution No. 3239-21, authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2020/2021 in the amount of \$380,156.29; and adoption of Resolution No. 3240-21, approving Budget Amendment No. 2 amending the Regional Surface Transportation Program (RSTP) Exchange Funds Claim.

**AGREEMENTS:**

7. **Authorizing Submittal of Grant Application for the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Program for COVID related expenses** (CAL FIRE Battalion Chief Ayuso)

**Staff's Recommendation:** Authorizes the City Manager, or her designee, to submit a grant application to the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Program for COVID related expenses totaling \$3,628.47.

**PUBLIC IMPROVEMENTS:**

8. **Accepting the Aileen Colburn Pedestrian Improvements Phase 2 Project as complete** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Accepts work done under the contract for Aileen Colburn Pedestrian Improvements Phase 2, City Project No. 17-1, Federal Project No. CML-5254(028); authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorize a final payment in the amount of \$21,212.55.

**9. Accepting the Mitchell Schools Area Pedestrian Improvements Project as complete** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Accepts work done under the contract for Mitchell Schools Area Pedestrian Improvements, City Project No. 19-1, Federal Project No. CML-5254(029); authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorize a final payment in the amount of \$18,063.93.

**PETITIONS AND COMMUNICATIONS:**

**10. Approving a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center as a Voting Assistance Center for the September 14, 2021 California Gubernatorial Recall Election** (Deputy City Clerk Vang & Merced County Registrar of Voters)

**Staff's Recommendation:** Approving a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center from September 10, 2021 to September 15, 2021 as a Voting Assistance Center for the September 14, 2021 California Gubernatorial Recall Election; and authorizes and directs the City Manager, or her designee, to execute any and all documents necessary to waive the facility rental fees associated with Merced County Registrar of Voters using the Atwater Community Center as a Voting Assistance Center.

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

**REPORTS AND PRESENTATIONS FROM STAFF:**

**11. Initiates proceedings for the annual assessments levy with respect to the various maintenance districts for Fiscal Year 2021-2022** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Adoption of Resolution No. 3241-21 initiating proceedings for the annual assessment levy with respect to the various maintenance districts for Fiscal Year 2021-22 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

12. **Ordering the Engineer to prepare and file reports, declaring the City's intent to collect assessments, preliminarily approving Engineer's Reports, and setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2021-2022** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Adoption of Resolution No. 3242-21 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2021/22; and adoption of Resolution No. 3243-21 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2021/22, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for August 9, 2021.

**PUBLIC HEARINGS:**

13. **Public Hearing for 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program** (Police Chief Salvador)

**Staff's Recommendation:** Open the public hearing and take any testimony given;

Close the public hearing;

Motion to adopt Resolution No. 3237-21, authorizing the grant application in the amount of \$14,353.00 to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded; or

Motion to approve staff's recommendation as presented.

14. **Public Hearing to adopt an Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA); and to approve a Tentative Parcel Map, Amendment to the Master Plan, and Amendment to Planned Development Final Development Plan regarding the location east of Redwood Avenue and north of Bellevue Road, Atwater (APN 150-190-038) (Public Works/Community Development Director Thompson)**

**Staff's Recommendation:** Open the public hearing and take any testimony given;

Close the public hearing; and

Motion to adopt Resolution No. 3231-21 approving Tentative Parcel Map No. 20-24-0100; and

Motion to adopt Resolution No. 3232-21 adopting an Initial Study and Mitigated Negative Declaration in accordance with California Environmental Quality Act (CEQA) and approve the Amendment to the Planned Development Master Plan No. 20-24-0200; and

Motion to adopt Resolution No. 3233-21 approving the amendment of the Planned Development Final Development Plan No. 20-24-0300; 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:

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](mailto:larmstrong@atwater.org).*