

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 4:00 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

August 23, 2021

CALL TO ORDER:

5:30 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): Number of cases (2)**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Jim McClellan

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 report by Merced County District 3 Supervisor McDaniel**
- **Project progress update regarding 1,2,3 TCP Remediation Project (Michael Beerends, GHD Engineer)**

*****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. August 23, 2021

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. July 31, 2021

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. August 9, 2021 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

**4. a) June 16, 2021 - Regular meeting
b) July 28, 2021 - Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

CALL FOR BIDS:

5. Approving specifications and authorizing advertising and call for bids for General Construction Services for Tenant Improvements at 1160 Fifth Street (Civic Center Building 1) (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of specifications authorizing advertising and call for bids for General Construction Services for Tenant Improvements at 1160 Fifth Street (Civic Center Building 1), Bid Call No. 712-21, City Project No. 21-02.

RESOLUTIONS:

6. **Approving Budget Amendment No. 7 amending Fiscal Year 2021-22 Budget regarding appropriation of funds obtained from the Department of Justice, Bureau of Justice Assistance, Coronavirus Grant Program** (Police Chief Salvador)

Staff's Recommendation: Adoption of Resolution No. 3254-21 approving Budget Amendment No. 7 amending Fiscal Year 2021-22 Budget regarding appropriation of funds obtained from the Department of Justice, Bureau of Justice Assistance, Coronavirus Grant Program.

7. **Approving and authorizing the annual Local Transportation Fund (LTF) Claim to be filed with Merced County Association of Governments (MCAG) for Fiscal Year 2021-22 and approving Budget Amendment No. 6 regarding Fiscal Year 2021-22 Local Transportation Fund** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3251-21 approving the annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2021-22; and authorizes and directs the City Manager to execute the claim form on behalf of the City; and adoption of Resolution No. 3252-21 approving Budget Amendment No. 6 regarding Fiscal Year 2021-22 Local Transportation Fund.

AGREEMENTS:

8. **Awarding a Professional Services Agreement for the Right of Way Acquisition Services of Fruitland Avenue Reconstruction - Phase 3** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Awards a Professional Services Agreement, in a form approved by the City Attorney, for the Right of Way Acquisition Services of Fruitland Avenue Reconstruction – Phase 3, CIP Project No. 16-2-3 to Associated Right of Way Services, Inc. (AR\WS) of Pleasant Hill, California, in the amount not to exceed \$108,700 plus a 10% contingency for an agreed maximum compensation of \$119,570; and authorizes the City Manager, or her designee, to expend the 10% project contingency fund of \$10,870 at her discretion for additional expenses related to the project, such as multilingual support, task change orders, and other variables which may impact scope and fees; and authorizes and directs the City Manager to execute the Professional Services Agreement on behalf of the City.

9. **Authorizing and approving a Professional Services Agreement with Lew Edwards Group for consultant services regarding Communications and Community Engagement Services for fiscal sustainability** (City Manager Waterman)

Staff's Recommendation: Authorizes and approves a Professional Services Agreement, in a form approved by the City Attorney, with Lew Edwards Group of Oakland, California for consultant services in an amount not to exceed \$96,000; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

PUBLIC IMPROVEMENTS:

10. **Accepting Signal Modification at Intersection of Shaffer Road and Juniper Avenue Project as complete** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Acceptance of work done under the contract for Signal Modification at Intersection of Shaffer Road and Juniper Avenue, City Project No. 16-1, Federal Project No. HSIPL-5254(026); and authorizes and directs 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 \$5,824.71.

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

REPORTS AND PRESENTATIONS FROM STAFF:

11. **Approving the filing of Joint Application for Merced County Regional Measure V funding** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to adopt Resolution No. 3250-21 approving the filing of a joint application with Merced County for Merced County Regional Measure V funding; and to direct City staff to coordinate with Merced County staff to prepare and file the joint application with the Merced County Association of Governments (MCAG); or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

12. **Presentation regarding City of Atwater City Clock Tower** (City Manager Waterman, Public Works/Community Development Director Thompson, Old Town Atwater)

13. **Monthly report by City Manager Waterman**

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.