

CORONAVIRUS DISEASE (COVID-19) ADVISORY

Pursuant to Assembly Bill (AB) 361, the City Council may participate via teleconference/electronically. In-person participation by the public will be permitted. In addition, remote public participation and public comment is available in the following ways:

1. Livestream online at www.atwater.org (Please be advised that there is a broadcasting delay. If you would like to participate in public comment, please use the options below).
2. Join the electronic meeting at <https://atwater-org.zoom.us/j/89554963092> (Webinar ID: 89554963092). Members of the public participating electronically via this link and wishing to speak may do so during public comment, by using the "raised hand" feature in the Zoom webinar.
3. Submit a written public comment prior to the meeting: Public comments submitted to cityinfo@atwater.org by 4:00 p.m. on the day of the meeting will be distributed to the City Council, and made part of the official minutes. In view of the other public comment opportunities listed above, email/written comments will not be read out loud during the meeting.

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

October 25, 2021

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Rich Miller

ROLL CALL:

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

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**

*****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. October 25, 2021**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

- 2. September 30, 2021**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. October 11, 2021 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. September 15, 2021 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

5. Making the Required Findings Authorizing the Continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater (City Attorney Splendorio)

Staff's Recommendation: Adoption of Resolution No. 3265-21 making the required findings authorizing the continuation of remote teleconference/virtual meetings of the legislative bodies of the City of Atwater.

6. Establishing an Architectural and Engineering Services Administration and Procurement Policy and adopting the Caltrans Local Assistance Procedures Manual Chapter 10 (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3263-21 establishing an Architectural and Engineering Services Administration and Procurement Policy in compliance with 23 CFR 172.7(b)(4), and adopts the State of California Department of Transportation (Caltrans) Local Assistance Procedures Manual (LAPM) Chapter 10: Consultant Selection.

7. Approving Budget Amendment regarding appropriation of Abandoned Vehicle Program Funds for an Electronic Citation System (Police Chief Salvador)

Staff's Recommendation: Adoption of Resolution No. 3260-21 approving Budget Amendment No. 12 amending Fiscal Year 2021-22 Budget regarding appropriation of Abandoned Vehicle Program Funds to implement an Electronic Citation Program for the Police Department.

8. **Approving Budget Amendment regarding Winton Way Road Improvement Project** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3261-21 approving Budget Amendment No. 13 amending the Fiscal Year 2021-22 Budget regarding the Winton Way Road Improvement Project.

9. **Approving Budget Amendment appropriating funds for 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program** (Police Chief Salvador)

Staff's Recommendation: Adoption of Resolution No. 3262-21 approving Budget Amendment No. 14 amending the Fiscal Year 2021-22 Budget regarding appropriating funds in the amount of \$14,353.00 to the Fiscal Year 2021-22 Police Grants Budget derived from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

10. **Approving Budget Amendment allocating additional funding for Traffic Signal Interconnect Project, and approving Change Order to General Construction Contract with Tim Paxin's Pacific Excavation, Inc. for Traffic Signal Interconnect Project** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3264-21 approving Budget Amendment No. 15 amending Fiscal Year 2021-22 Budget to allocate funding for Traffic Signal Interconnect Project, City Project 14-2, in the amount of \$36,000.00; approves Change Order No. 4 to General Construction Contract with Tim Paxin's Pacific Excavation, Inc. for Traffic Signal Interconnect Project, City Project 14-2, in the amount of \$35,994.00; and authorizes and directs the City Manager, or her designee, to execute the Change Order on behalf of the City.

OTHER ACTIONABLE ITEMS:

11. **Declaring certain City vehicles and equipment surplus and authorizing disposal of surplus vehicles and equipment** (Police Chief Salvador)

Staff's Recommendation: Declaration of certain City vehicles and other City equipment surplus; and authorizes the items to be sold at auction or disposed of.

PUBLIC HEARINGS:

12. **Waiving the first reading and introducing an ordinance repealing Chapter 8.52 of the Atwater Municipal Code, "Personal Cannabis Cultivation" and replacing it with Chapter 8.52, "Illegal Cultivation of Cannabis"** (City Attorney Splendorio)

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

Close the public hearing;

Motion to waive the first reading and introduce Ordinance No. CS 1041 repealing Chapter 8.52 of the Atwater Municipal Code, "Personal Cannabis Cultivation" and replacing it with Chapter 8.52, "Illegal Cannabis Cultivation"; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

13. **Approving General Services Agreement to Joe's Landscaping and Concrete, Inc. for Landscape Maintenance Services in Landscape Maintenance Districts** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to award a General Service Agreement, in a form approved by the City Attorney, to Joe's Landscaping and Concrete, Inc., Newman, CA for Landscape Maintenance Services in Landscape Maintenance Districts, in an amount not to exceed \$115,061.04; and to authorize and direct the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

14. **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

ADJOURNMENT:

In memory of Dr. Edward Vanek

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.