

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

January 10, 2022

CALL TO ORDER:

5:30 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager**
- **Conference with Labor Negotiators - Government Code Section 54957.6, Unrepresented employee: City Manager Lori Waterman**

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.

CEREMONIAL MATTERS:

- **Oath of Office - Police Officer**

Staff's Recommendation: That Mayor Creighton administer the oath of office to the newly appointed Police Officer Matthew Bowen.

- **Presentation of trophy to Fire Department for winning the City Christmas tree decorating contest**

Recommendation: That Pastor Rich Miller make the presentation to the Fire Department.

- **Presentation of trophy to Mayor Creighton for winning the City snowman decorating contest**

Recommendation: That Pastor Rich Miller make the presentation to Mayor Creighton.

*****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) December 17, 2021
b) January 10, 2022**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **October 31, 2021**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. **a) December 13, 2021 - Regular meeting
b) December 20, 2021 - Special meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS

4. **Approving Budget Amendment allocating funding for CMU Wall installation at Industry Sewer Lift Station and Awarding General Construction Contract to W.M. Lyles Co. for CMU Wall installation at Industry Sewer Lift Station** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3280-22 approving Budget Amendment No. 20 amending Fiscal Year 2021-22 Budget to allocate funding for CMU Wall installation at Industry Sewer Lift Station in the amount of \$479,760; and awards a General Construction Contract, in a form approved by the City Attorney, to W.M. Lyles Co. of Fresno, California, in an amount not to exceed \$436,145.00; authorizes and directs the City Manager to sign and affirm construction contract change orders up to an aggregate of \$43,614.50 (10%); and authorizes and directs the City Manager, or her designee to execute the contract on behalf of the City.

5. **Approving Budget Amendment establishing budget in Measure V Regional Fund for Bellevue Road Rehabilitation/Realignment Project Study Report Equivalent and Approving Measure V Regional Project Funding Agreement with Merced County Association of Governments** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3276-22 approving Budget Amendment No. 18 amending Fiscal Year 2021-22 Budget to establish a budget within the Measure V Regional Fund for the preparation of the PSR-E for Bellevue Road Project; and approval of the Measure V Regional Funding Agreement, in a form approved by the City Attorney, with Merced County Association of Governments (MCAG) for the preparation of the Bellevue Road Rehabilitation/Realignment Project Study Report Equivalent (PSR-E); makes the finding that the preparation of the Bellevue Road Rehabilitation/Realignment Project Study Report Equivalent (PSR-E) is categorically exempt from CEQA; and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.

6. **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. 3277-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.

7. Accepting Reimbursement Funds and Approving Budget Amendment appropriating funds for 2021 Federal Emergency Management Agency's Public Assistance Grant Program (CAL FIRE Battalion Chief Ayuso)

Staff's Recommendation: Adoption of Resolution No. 3279-22 approving Budget Amendment No. 19 amending the Fiscal Year 2021-22 Budget regarding appropriating funds in the amount of \$4,680.58 to the Fiscal Year 2021-22 Fire Department Special Departmental Expense derived from the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant program.

AGREEMENTS:

8. Approving First Amendment to Site Lease Agreement with T-Mobile West LLC at Osborn Park (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of the First Amendment to the Site Lease Agreement with T-Mobile West LLC, in a form approved by the City Attorney, for the transfer of ownership of the newly constructed tower (pole); and authorizes and directs the City Manager, or her designee, to execute the First Amendment on behalf of the City.

9. Awarding Professional Services Agreement to HdL Companies for Consultant Services for Cannabis Monitoring and Compliance Services (Public Works/Community Development Director Thompson)

Staff's Recommendation: Awards a Professional Services Agreement, in a form approved by the City Attorney, to HdL Companies of Brea, California for Consultant Services for Cannabis Monitoring and Compliance Services in an amount not to exceed \$78,150; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

10. Approving a Master On-Call Provider list with various consultants for California Government Relations and Lobbying Services (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of the establishment of a Master On-Call Provider list with various consultants for California Government Relations and Lobbying Services

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

COMMENTS FROM THE PUBLICNOTICE 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**11. 2022 City Council Reorganization/Mayor's Committee Assignments**

- **Mayor Pro Tem**
- **Merced County Association of Governments** (1 representative and 1 alternate)
- **League of California Cities Central Valley Division** (1 representative and 2 alternates)
- **City Audit and Finance Committee** (2 representatives)
- **LAFCO** (1 representative)
- **USP/Atwater Community Liaison Group** (1 representative and 1 alternate)
- **Atwater Community Services/Neighborhood Watch** (1 representative)
- **4th of July Committee** (1 representative)
- **San Joaquin Valley Air Pollution Control District** (1 representative and 1 alternate)
- **SGMA** (1 Staff representative and 1 alternate)
- **IRWIN** (1 Staff representative and 1 alternate)
- **ACE Train** (1 Representative and 1 alternate)
- **One Voice** (1 representative and 1 alternate)
- **Bloss Mansion** (2 representatives)
- **Christmas Parade** (2 representatives)
- **General Plan Technical Advisory Committee** (2 representatives)

Staff's Recommendation: Motion to ratify the Mayor's Committee Assignments.

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.