

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 24, 2022

CALL TO ORDER:

5:00 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 (2)**
- **Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Sandra L. Rahn v. City of Atwater; Case No. 1:21-CV-01712-DAD-SKO**
- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Daisy Fuentes**

Property Locations:

APN 002-207-008

- **Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): Number of cases (1)**

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 _____

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.

- **Oath of Office - Public Safety Dispatcher Trainee**

Staff's Recommendation: That Mayor Creighton administer the oath of office to the newly appointed Public Safety Dispatcher Trainee Crystal Herrera.

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. **January 24, 2022**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **November 30, 2021**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. a) January 10, 2022 - Special meeting
b) January 10, 2022 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. November 17, 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. 3278-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.

6. **Approving Revisions to the City of Atwater Purchasing System Manual pursuant to Chapter 3.04 "Purchasing System" of the Atwater Municipal Code** (City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3287-22 approving revisions to the City of Atwater Purchasing System Manual pursuant to Chapter 3.04 "Purchasing System of the City of Atwater Municipal Code.

7. **Authorizing Submittal of Grant Application to Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant** (CAL FIRE Battalion Chief Ayuso)

Staff's Recommendation: Adoption of Resolution No. 3285-22 authorizing submittal of a grant application to the Department of Homeland Security's (DHS) Staffing for Adequate Fire and Emergency Response (SAFER) Grant; and authorizes and directs the City Manager, or her designee, to sign the grant application and implement the project on behalf of the City.

8. Authorizing Submittal of Grant Application to California Department of Resources Recycling and Recovery for SB 1383 Local Assistance Grant Program (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3282-22 authorizing submittal of a grant application to the California Department of Resources Recycling and Recovery (CalRecycle) for SB 1383 Local Assistance Grant Program; and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.

9. Authorizing Submittal of Grant Application to California Department of Transportation for Clean California Local Grant Program (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3286-22 authorizing submittal of a grant application to the California Department of Transportation (Caltrans) for Clean California Local Grant Program (CCLGP); and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.

10. Approving Agreement affecting Real Property and Outside Service Agreement for Water Service with Clay and Sherry Berlier (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3283-22 approving the Agreement affecting Real Property and Outside Service Agreement for Water Service, in a form approved by the City Attorney, with Clay and Sherry Berlier; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

11. Approving Agreements affecting Real Property and Outside Service Agreement for Water Service with property owners of Castle Park Acres Division (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3284-22 approving the Agreements affecting Real Property and Outside Service Agreement for Water Service, in a form approved by the City Attorney, with the property owners of the Castle Park Acres Division; and authorizes and directs the City Manager, or her designee, to execute the agreements on behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

12. **Waiving the first reading and introducing an ordinance of the City Council amending Section 13.12.120, "Service to Users Outside City Limits," of Title 13, "Public Services," of the Atwater Municipal Code** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to waive the first reading and introduce Ordinance No. CS 1043 amending Section 13.12.120, "Service to Users Outside City Limits," of Title 13, "Public Services," of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

13. **Waiving the first reading and introducing an ordinance of the City Council amending Section 2.07.010, "Commission appointments," of Title 2, "Administration and Personnel," of the Atwater Municipal Code** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Motion to waive the first reading and introduce Ordinance No. CS 1044 amending Section 2.07.010, "Commission appointments," of Title 2, "Administration and Personnel," of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

14. **Categorizing American Rescue Plan Act (ARPA) funds as "Lost Revenue," Establishing List of ARPA Priorities, Approving Budget Amendment establishing revenue and budget appropriation for ARPA, and Authorizing and Directing City Manager to approve Call for Bids, Plans, and Specifications for all Eligible ARPA Priority Projects and award such Projects (City Manager Waterman)**

Staff's Recommendation: Motion to categorize all ARPA Revenue in the amount of \$7,071,141 as "Lost Revenue" as defined by the US Department of Treasury's Final Rule; and

Motion to establish and approve a list of ARPA Priorities; and

Motion to adopt Resolution No. 3290-22 approving Budget Amendment No. 22 amending the Fiscal Year 2021-22 Budget to establish revenue and expenditure budget appropriation in the amount of \$3,535,571 for American Rescue Plan Act; and

Motion to adopt Resolution No. 3291-22 authorizing and directing the City Manager, or her designee, to approve the Call for Bids and Plans and Specifications for all eligible ARPA priority Public Works Projects and award such projects of \$200,000 or less; 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.