

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 AND HOUSING SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

February 14, 2022

CALL TO ORDER:

4:30 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: City Manager Waterman, Deputy City Manager Del Real, and City Attorney Splendorio, Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 - Clerical Employees Unit, Mid-Managers Group, Miscellaneous Employees Unit, and Unrepresented Employees**
- **Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases (1)**
- **Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Samuel Joseph v. City of Atwater; Case No. 18CV-04981**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION

Invocation by Police Chaplain Steve Mead

ROLL CALL: (City Council/Board of Directors)

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:

Proclamation

- **Black History Month, February 1 - March 1, 2022**

Staff's Recommendation: That Mayor Creighton present the proclamation to the Ebony Socialites of Atwater, recognizing and honoring Black History Month.

*****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. **February 14, 2022**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **December 31, 2021**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. **a) January 24, 2022 - Regular meeting
b) January 31, 2022 - Special meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS

4. **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. 3292-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.

5. **Approving Budget Amendment allocating funding for Affordable Housing Consulting Services and Approving Professional Services Agreement with RSG, Inc. for SB 341 Annual Reports** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. HSA 2022-1 approving Budget Amendment No. 24 amending Fiscal Year 2021-22 Budget to allocate funding for Affordable Housing Consulting Services with RSG, Inc. in an amount not to exceed \$5,000; approves a Professional Services Agreement, in a form approved by the City Attorney, with RSG, Inc. for SB 341 Annual Reports; and authorizes and directs the City Manager, or her designee, to execute the Professional Services Agreement on behalf of the City.

6. **Approving Budget Amendment establishing budget appropriation for Affordable Housing Underwriting Services and Approving Professional Services Agreement with RSG, Inc. for Affordable Housing Underwriting Services** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. HSA 2022-2 approving Budget Amendment No. 25 amending Fiscal Year 2021-22 Budget to establish revenue and expenditure budget appropriation for Affordable Housing Underwriting Services for the proposed Chelsea Investment Corporation Affordable Housing Project with RSG, Inc. in an amount not to exceed \$14,995; approves a Professional Services Agreement, in a form approved by the City Attorney, with RSG, Inc. for Affordable Housing Underwriting Services; and authorizes and directs the City Manager, or her designee, to execute the Professional Services Agreement on behalf of the City.

7. **Designating All-Way Stop Control at intersection of Commerce Avenue at Applegate Ranch Shopping Center Commercial Driveways** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3288-22 designating All-Way Stop Control at the intersection of Commerce Avenue at the Applegate Ranch Shopping Center Commercial Driveways.

8. **Adopting Notification of Intent to Comply to California Department of Resources Recycling and Recovery** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3281-22 adopting the Notification of Intent to Comply to the California Department of Resources Recycling and Recovery (CalRecycle); and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.

9. **Approving Budget Amendment establishing budget appropriation for Building Division to allow customers to make online payments through Bambora** (Chief Building Official Pereida)

Staff's Recommendation: Adoption of Resolution No. 3289-22 approving Budget Amendment No. 21 amending Fiscal Year 2021-22 Budget to establish a revenue and expense budget appropriation for \$5,240.00 for the Building Division to allow customers to make online payments through Bambora.

PUBLIC IMPROVEMENTS:

10. **Accepting Winton Way Reconstruction Project as complete** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Accepts work done under the contract for Winton Way Reconstruction, City Project No. 15-1; authorizes a final payment in the amount of \$141,865.37; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

11. **Waiving the second reading and adopting 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: Waives the second reading and adopts 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.

12. **Waiving the second reading and adopting 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: Waives the second reading and adopts Ordinance No. CS 1044 amending Section 2.07.010, "Commission appointments," of Title 2, "Administration and Personnel," of the Atwater Municipal Code.

PETITIONS AND COMMUNICATIONS:

13. **Approving fee waiver requested by Merced County Registrar of Voters to use Atwater Community Center as a Voting Assistance Center for 2022 Elections** (City Clerk Armstrong & Merced County Registrar of Voters)

Staff's Recommendation: Approval of a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center from May 28, 2022 to June 8, 2022 and October 29, 2022 to November 9, 2022 for the June 7, 2022 Statewide Direct Primary Election and November 8, 2022 Midterm 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*****

PUBLIC HEARINGS:

14. Consideration of Criteria and Process Regarding City Council District Electoral Boundaries and Receive Public Input (City Attorney Splendorio)

Staff's Recommendation: Receive a report from staff and the City's redistricting consultant on the redistricting process and permissible criteria to be considered to redraw district boundaries; and

Open the public hearing and receive public input on district boundaries; and

Close the public hearing.

15. Adopting 2020 Urban Water Management Plan (Public Works/Community Development Director Thompson)

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

Close the public hearing;

Motion to adopt Resolution No. 3295-22 adopting the City of Atwater 2020 Urban Water Management Plan in accordance with the Urban Water Management Planning Act including amendments made by the Water Conservation Act of 2009 and Water Conservation Legislation of 2018, and authorizes and directs the City Manager, or her designee, to make any necessary changes prior to submission to the California Department of Water Resources; 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.