

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

March 28, 2022

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor John Motz

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:

- **Ceremonial Presentation with Engie Services U.S. to Old Town Atwater**

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. March 28, 2022**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:**2. February 28, 2022**

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)**3. March 14, 2022 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)**4. a) February 16, 2022 - Regular meeting
b) February 24, 2022 - Adjourned meeting**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:**5. Waiving electoral requirement for General Plan Technical Advisory Committee (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Adoption of Resolution No. 3306-22 waiving the electoral requirement for the General Plan Technical Advisory Committee in relation to the three at large, technical members.

6. **Authorizing submittal of grant application to California Department of Parks and Recreation for Per Capita Grant Program and approving Budget Amendment establishing revenue and expense account for Per Capita Grant Funds** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Choose Option "A" or Option "B"; adoption of Resolution No. 3304-22 approving the submittal of grant application to California Department of Parks and Recreation for Per Capita Grant funds; adoption of Resolution No. 3305-22 approving Budget Amendment No. 26 amending Fiscal Year 2021-22 Budget to establish a revenue and expense account for Per Capita Grant funds; and authorizes and directs the the City Manager, or her designee, to serve as the City's authorized representative to execute all documents on behalf of the City.

AGREEMENTS:

7. **Approving On-Call Professional Services Agreements with various consultants for Construction/Project Management Services** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of Professional Services On-Call Master Agreements, in a form approved by the City Attorney, with GHD, Inc. of Fresno, California, Griffin Structures of Irvine, California, Precision Civil Engineering, Inc. of Fresno, California, Premier Management Group of Roseville, California, and Quad Knopf, Inc. of Merced, California for construction/project management services, in an amount not to exceed \$200,000 per Task Order; and authorizes and directs the City Manager, or her designee, to execute the Agreements on behalf of the City.

8. **Approving Improvement Agreement with Atwater Elementary School District for public improvements related to construction of new elementary school** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of the Improvement Agreement, in a form approved by the City Attorney, with the Atwater Elementary School District for public improvements related to the construction of a new elementary school; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

9. **Approving Memorandum of Understanding with County of Merced for Merced County Operational Area Technical Rescue Team (CAL FIRE Battalion Chief Ayuso)**

Staff's Recommendation: Approval of the Memorandum of Understanding, in a form approved by the City Attorney, with the County of Merced for the Merced County Operational Area Technical Rescue Team; and authorizes and directs the City Manager, or his or her designee, to execute any and all documents related to the Memorandum of Understanding on behalf of the City.

10. **Awarding General Construction Contract to Straight Edge Roofing for installation of new roof at future City Administration Building (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Awards a General Construction Contract, in a form approved by the City Attorney, to Straight Edge Roofing of Atwater, California for the installation of a new roof and gutters at the future City Administration Building at 1160 Fifth Street, in an amount not to exceed \$39,950; authorizes and directs the City Manager to sign and affirm construction contract change orders up to an additional aggregate of \$3,995.00 (10%); and authorizes and directs the City Manager, or her designee, to execute the Contract on behalf of the City.

11. **Waiving the Formal Procurement Process and Awarding a Sole Source Purchase to Tesco Controls, Inc. for upgrades to the SCADA Hardware and Software (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Waives the Formal Procurement Process and awards a sole source purchase to Tesco Controls, Inc. of Sacramento, CA for upgrades to the City SCADA hardware and software, in an amount not to exceed \$249,500.00; and authorizes and directs the City Manager to execute the Purchase Order on behalf of the City.

12. **Approving Cooperative Agreement with Comcast Business Communications, LLC for the installation of Internet Services at future City Administration Building (City Manager Waterman)**

Staff's Recommendation: Approval of the Cooperative Agreement, in a form approved by the City Attorney, with Comcast Business Communications, LLC of Philadelphia, Pennsylvania, for the installation of internet services at the future City Administration building, in an amount not to exceed \$47,000; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 13. Waiving the second reading and adoption of an ordinance of the City Council adopting a Military Equipment Use Policy and adding said Policy to the Atwater Police Department Policy Manual (Police Chief Salvador)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1045 adopting a Military Equipment Use Policy and adding said Policy to the Atwater Police Department Policy Manual.

- 14. Waiving the second reading and adopting an ordinance of the City Council amending Section 8.16, "Solid Waste, Recyclables, and Organic Waste Collection," of Title 8, "Health and Safety," of the Atwater Municipal Code (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1047 amending Section 8.16, "Solid Waste, Recyclables, and Organic Waste Collection," of Title 8, "Health and Safety," of the Atwater Municipal Code.

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

PUBLIC HEARINGS:

- 15. Consideration of Revised City Council District Electoral Boundaries as Required by Elections Code Section 21601 and Ordinance Amendment Adjusting Council District Boundaries (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 proposed ordinance; and

Close the public hearing; and

Motion to waive the first reading (by title only) and introduce an Ordinance entitled, An Ordinance of the City Council of the City of Atwater, California Amending Section 2.10.020(E) of the Atwater Municipal Code to Adjust the Boundaries of City Council Election Districts and to Confirm Such Revised Council District Boundaries; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 16. Fire Department 2021 Annual Report (CAL FIRE Battalion Chief Ayuso)**

CITY MANAGER REPORTS/UPDATES:

- 17. City Manager Updates**

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:

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.