

In-person participation by the public will be permitted. In addition, remote public participation 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 option below).*
- 2. 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 but 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

July 25, 2022

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION

Invocation by Police Chaplain Rich Miller

ROLL CALL:

Ambriz _____, Cale _____, Raymond _____, Button _____, 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.

CEREMONIAL MATTERS:

- **Recognition - Retirement of Police Clerk II Juan Sufuentes**

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. July 25, 2022

Staff's Recommendation: Approval of warrants as listed.

RESOLUTIONS

2. **Acknowledging receipt of 2022 Annual City of Atwater Fire Inspection Compliance Report** (CAL FIRE Battalion Chief Ayuso)

Staff's Recommendation:

Adopt Resolution No. 3334-22 acknowledging receipt of 2022 annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.

3. **Approving and authorizing negotiations for the Exchange of Real Property** (Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3337-22 approving and authorizing negotiations for the exchange of real property, also known as a portion of APN 056-241-014, for approximately 0.71 acres of real property also known as APN: 150-15-023; and authorizes and directs the City Manager to execute related documents.

4. **Ordering the engineer to prepare and file reports, declaring the City's intent to collect, preliminarily approving the engineer's reports, and**

setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2022/23 (Community Development Director Thompson)

Staff's Recommendation: Adopt City Council Resolution No. 3330-22 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2022/23; and

Adopt City Council Resolution No. 3331-22 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2022/23, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for August 8, 2022.

5. **Approving Regional Surface Transportation Program Exchange Funds Claim for Fiscal Year 2021-22** (Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3328-22 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2021-22.

PUBLIC IMPROVEMENTS:

6. **Approving plans and specifications and authorizing advertising and calling for bids for Well 20-A** (Public Works Director Vinson)

Staff's Recommendation: Approval of the plans and specifications and authorizes advertising and calling for bids for Well 20-A, City Project No 20-2.; Bid Call No. 715-22.

7. **Accepting CMU Wall Installation at Industry Sewer Lift Station Project as complete** (Community Development Director Thompson and Public Works Director Vinson)

Staff's Recommendation: Accepts work done under the contract for CMU Wall Installation at Industry Sewer Lift Station, City Project No. 21-17 as complete; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$30,029.50.

8. **Approving contract change order No. 2 to the General Construction Contract with Techno Coatings, Inc. for the Water Tower Renovation/Recoating Project and accepting Water Tower Renovation/Recoating Project as complete** (Public Works Director Vinson)

Staff's Recommendation: Motion to approve Contract Change Order No. 2 to the General Construction Contract with Techno Coatings, Inc. for the Water Tower Renovation/Recoating Project, City Project No. 20-15, in the amount of \$68,626.00; and to authorize and direct the City Manger to sign the change order; and accepts work done under the contract for Water Tower Renovation/Recoating Project, City Project No. 20-15 as complete; and authorizes and directs the City

Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$51,065.75.

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

REPORTS AND PRESENTATIONS FROM STAFF:

- 9. Initiates proceedings for the annual assessments levy with respect to the various maintenance districts** (Community Development Director Thompson)

Staff's Recommendation: Adopt Resolution No. 3338-22, initiating proceedings for the Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2022/23 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

CITY MANAGER REPORTS/UPDATES:

- 10. Resolutions calling, giving notice of, and consolidating a General Municipal Election to be held Tuesday, November 8, 2022 regarding the renewal of a Transactions and Use Tax Measure in the City of Atwater** (City Manager Waterman)

Staff's Recommendation: Adopt Resolution No. 3341-22 calling for the placement of a local controlled special tax measure on the ballot for the November 8, 2022 for the submission to the qualified voters of an ordinance to extend a special transactions and use tax (Sales Tax) at the rate of one cent (1¢) to fund Police, Fire and 911 Emergency Response Services;

Adopt Resolution No. 3340-22 requesting the Board of Supervisors of the County of Merced to consolidate a General Municipal Election to be held on November 8, 2022 with the statewide General Election to be held on that date pursuant to §10403 of the elections code; and

Adopt Resolution No. 3339-22 providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding a city measure to be submitted at the November 8, 2022 General Municipal Election.

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

- 11. Appointment of three (3) technical members to the General Plan Technical Advisory Committee to assist with the update to the City of Atwater General Plan

Staff's Recommendation: Motion to appoint three (3) members to the General Plan Technical Advisory Committee to assist with the update to the City of Atwater General Plan.

ADJOURNMENT

In Memory of James W. Heller

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.