

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

September 12, 2022

CALL TO ORDER:

5:00 PM

ROLL CALL:

Ambriz ____, Cale ____, Raymond ____, Button ____, Creighton ____

CLOSED SESSION

Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Samuel Joseph v. City of Atwater; Case No. 1:20-cv-00811-DAD-EPG

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

**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**

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 _____, Cale _____, Raymond _____, Button _____, 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.)

CEREMONIAL MATTERS:

- **Recognition - Completion of Los Angeles Police Department Leadership Program Sergeant Dayton Snyder**
- **Recognition - Police Officer Lee and Police Officer Salazar's efforts in recent quick thinking and harrowing actions during rescue efforts.**

PRESENTATIONS:

- **Presentation regarding the Young Legislators Program 2022 (Office of Senator Anna Cabballero District Representative Dale)**

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. September 12, 2022

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

2. June 27, 2022 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

3. July 20, 2022 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

4. **Approving Budget Amendment amending the Fiscal Year 2021-22 Budget across various accounts for the year-end budget clean-up** (Finance Director Youmara)

Staff's Recommendation: Motion to adopt Resolution No. 3336-22 approving Budget Amendment No. 32 amending the Fiscal Year 2021-22 Budget across various accounts; or

Motion to approve staff's recommendation as presented.

AGREEMENTS:

5. **Approve Resolution Number 3343-22 authorizing Budget Amendment No. 2 increasing revenue and appropriations in Fund 1005 Police Grants for Fiscal Year 2022-23. Authorize and approve a Cooperative Purchase Agreement (Purchase Order) with National Auto Fleet Group for the purchase of one (1) 2023 Ford Hybrid Explorer Police Vehicle** (Police Chief Salvador)

Staff's Recommendation: Approve Resolution 3343-22 authorizing Budget Amendment No. 2 to increase revenue and expenditures in Fund 1005 Police Grants in the amount of \$20,000. Authorizes and approves a Cooperative Purchase, Purchase Agreement (Purchase Order), in a form approved by the City Attorney, to National Auto Fleet Group, Watsonville, California, for the purchase of one (1) new Ford Hybrid Police Interceptor Police SUV, in the amount not to exceed \$52,528.79; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. **Authorizing and approving a Cooperative Purchase, Purchase**

Agreement (Purchase Order) to National Auto Fleet Group for the purchase of two (2) new 2023 Ford 150 Lightning Crew Cab Pickup trucks (Police Chief Salvador)

Staff's Recommendation: Authorizes and approves a Cooperative Purchase, Purchase Agreement (Purchase Order), in a form approved by the City Attorney, to National Auto Fleet Group, Watsonville, California, for the purchase of two (2) new Ford 150 Crew Cab Battery Electric Pickup Trucks, in the combined amount not to exceed \$105,545.68; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

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

REPORTS AND PRESENTATIONS FROM STAFF:

7. **Approving Contract Change Order to the Design-Build Agreement with W.M. Lyles Co. for 1,2,3 - TCP Mitigation Project** (Community Development Director Thompson)

Staff's Recommendation: Motion to approve Contract Change Order No. 1 to the Design- Build Agreement with W.M Lyles Co. of Fresno, California for the Guaranteed Maximum Price (GMP) of the 1,2,3-TCP Project in the amount of \$311,401, for a total amount of \$23,727,209 to compensate for unanticipated cost increases resulting from extreme market conditions affecting the cost of metal components of the work and authorizes and directs the City Manager to execute the Change Order on behalf of the City; or

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

8. **Waiving the first reading and introducing an ordinance repealing and replacing Chapter 5.04, "General Provisions" and amending portions of Chapter 5.08, "Schedule of License Fees" of Title 5 of the Atwater Municipal Code** (City Attorney Splendorio)

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

Motion to continue the public hearing to the following meeting.

CITY MANAGER REPORTS/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

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.