

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 26, 2022

CALL TO ORDER:

5:30 PM

ROLL CALL:

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

CLOSED SESSION

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding price and terms of payment. Agency Negotiators: Public Works/Community Development Director Thompson and City Attorney Splendorio. Negotiating Parties: Kiranjeet Dhami and Roberto Hugo Carbajal

**Property Locations: 1039 Atwater Blvd., APN 156-060-001
1089 Atwater Blvd., APN 156-060-011
337 E. Bellevue Road, APN 156-060-009**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION

Invocation by Bill Mooneyham

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.

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.

TREASURER'S REPORT:

1. **July 31, 2022**

Staff's Recommendation: Approval of report as listed.

WARRANTS:

2. **September 26, 2022**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

3. **July 11, 2022 - Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

4. **Approving Budget Amendment No. 3 amending Fiscal Year 2022-23 Budget regarding the 5-Year Capital Improvement Program and ARPA-American Rescue Plan Act Fund Expenditures** (Finance Director Youmara)

Staff's Recommendation: Adopt Resolution No. 3344-22, approving Budget Amendment No. 3 amending the 2022-2023 Fiscal Year Budget pertaining to the 5-Year Capital Improvement Program and ARPA-American Rescue Plan Act Fund; and amends the 5-Year Capital Improvement Program to reflect the budget amendments contained in Resolution No. 3344-22.

AGREEMENTS:

5. **Waiving the Formal Procurement Process and awarding a sole source purchase to Exeloo Corporation, of San Luis Obispo, California for purchase of Exeloo Jupiter Automated Twin Cubicle Restroom for Osborn Park** (Public Works Director Vinson)

Staff's Recommendation: Waive the Formal Procurement Process and award a sole source purchase to Exeloo Corporation of San Luis Obispo, California for purchase of Exeloo Jupiter Automated Twin Cubicle Restroom for Osborn Park upgrades, in an amount not to exceed \$222,021; and authorize and direct the City Manager, or her designee, to execute the Purchase Order on behalf of the City.

6. **Approving a Purchase Agreement (Purchase Order) with Shannon Pump Co. of Merced, California for the purchase of a new pump and motor for Well 14** (Public Works Director Vinson)

Staff's Recommendation: Approves a Purchase Agreement (Purchase Order), in a form approved by the City Attorney, with Shannon Pump Co. of Merced, California, for the purchase of a new

pump and motor for Well 14, in an amount not to exceed \$108,581.19; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

7. Awarding a General Service Agreement to Tri County Flooring for new flooring at Fire Station 41 (Public Works Director Vinson)

Staff's Recommendation: Awards a General Services Agreement, in a form approved by the City Attorney, to Tri County Flooring of Atwater, California, in an amount not to exceed \$55,533.17; authorizes and directs the City Manager to sign and affirm contract change order up to an additional aggregate of \$2,777 (5%); and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

8. Approving Ground Lease Agreement between the City of Atwater and Old Town Atwater regarding use of Real Property Parking Lot located at Fourth Street and Cedar Avenue (City Manager Waterman)

Staff's Recommendation: Approves a Ground Lease Agreement, in a form approved by the City Attorney, with Old Town Atwater for the use of Real Property Parking Lot located at the corner of Fourth Street and Cedar; and authorizes and directs the City Manager, or her designee, to execute the Lease Agreement on behalf of the City.

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

PUBLIC HEARINGS

9. 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 (Community Development Director Thompson and Finance Director Youmara)

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

Close the public hearing;

Motion to waive the first reading and introduce Ordinance No. CS 1042 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; or

Motion to approve staff's recommendation as presented.

10. Adoption of Resolution of Necessity for the Acquisition of Fee Interests in Certain Real Property, by Eminent Domain, Located at 1039 & 1089 Atwater Boulevard(Community Development Director Thompson)

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

Close the public hearing and make the following findings:

- The public interest and necessity require the proposed project;
 - The project is planned or located where it will be most compatible with the greatest public good and the least private injury;
 - The real property to be acquired is necessary for the project;
 - The offer of just compensation has been made to the owner;
- and

Motion to adopt Resolution of Necessity No. 3345-22 For The Acquisition of Fee Interest in Certain Real Property, by Eminent Domain, Located at 1039 & 1089 Atwater Boulevard, Atwater, California, 95301, more particularly described as Assessor Parcel Nos. 002-219-010 & 002-219-011, for construction of new parking facilities in the downtown area of the City of Atwater, Merced County, California as further identified In Exhibit A attached hereto; or

Motion to approve staff's recommendation as presented.

11. Adoption of Resolution of Necessity for the Acquisition of Fee Interest in Certain Real Property, by Eminent Domain, Located at 337 E. Bellevue Road (Community Development Director Thompson)

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

Close the public hearing and make the following findings:

- The public interest and necessity require the proposed project;
 - The project is planned or located where it will be most compatible with the greatest public good and the least private injury;
 - The real property to be acquired is necessary for the project;
 - The offer of just compensation has been made to the owner;
- and

Motion to adopt Resolution No. 3346-22 For The Acquisition of Fee Interest in Certain Real Property, by Eminent Domain, Located at 337 E. Bellevue Road, Atwater, California, 95301, More Particularly Described as Assessor Parcel No. 156-060-009, in Merced County, California, for the Osborn Park Improvements Project, in Merced County, California as further identified In Exhibit A attached hereto; 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.