

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 cityclerk@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) 357-6241.

CITY OF ATWATER

City Council

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

June 26, 2023

CALL TO ORDER:

4:30 PM

CLOSED SESSION

Adjourn to Conference Room A

- **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 Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: City Manager Waterman and Human Resources Director Sousa Bargaining Units: AFSCME Local 2703 - Clerical Employees Unit, Mid-Managers Group, and Miscellaneous Employees Unit**

- **Pursuant to Government Code Section 54957, Public Employee Performance Evaluation; Title: City Manager**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

INVOCATION

Invocation by Xavier Perez

PLEDGE OF ALLEGIANCE TO THE FLAG

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:

- **Presentation of the 2022 Atwater City Firefighter of the Year award to Fire Apparatus Engineer Erik Long**

Staff's Recommendation: That Mayor Nelson present the Firefighter of the Year award to Engineer Erik Long on behalf of the City Council.

PRESENTATIONS

- **Merced County Association of Governments (MCAG) Measure V 2023 Annual Report**
- **Monthly report by Merced County District 3 Supervisor McDaniel**

CONSENT CALENDARNOTICE 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. May 31, 2023**

Staff's Recommendation: Approval of report as listed.

WARRANTS**2. June 26, 2023**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)**3. May 30, 2023 - Special meeting**

Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

4. Approving a Purchase Agreement (Purchase Order) with Calgon Carbon for Granulated Activated Carbon Exchange at Central Site (Public Works Director Vinson)

Staff's Recommendation: Approves a Purchase Agreement (Purchase Order) to Calgon Carbon of Moon Township, Pennsylvania for Granulated Activated Carbon Exchange (GAC) at Central Site, in an amount not to exceed \$133,802; and authorizes and directs the City Manager or her designee to execute the Agreement (Purchase Order) on behalf of the City.

5. Approving a Purchase Agreement (Purchase Order) with Shannon Pump Co. of Merced, California, for the purchase of a new pump and motor for Well 13 (Public Works Director Vinson)

Staff's Recommendation: Approves a Purchase Agreement (Purchase Order) with Shannon Pump Co. of Merced, California, for the purchase of a new pump and motor for Well 13, in an amount not to exceed \$109,597.28; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. Approving the Third Amendment to the General Services Agreement with JaniTek Cleaning Solutions of Stockton, California for the cleaning and disinfecting of City-Owned buildings (Public Works Director Vinson)

Staff's Recommendation: Approves the Third Amendment to the General Service Agreement with JaniTek Cleaning Solutions, of Stockton, CA, in a form approved by the City Attorney, for the cleaning and disinfecting of city-owned buildings, in an amount not to exceed \$140,316.00 per year, plus up to an additional \$25,000 for

any additional City facilities; and authorizes and directs the City Manager, or her designee, to execute the Third Amendment on behalf of the City.

7. **Awarding a Sole Source Purchase of UV Disinfection System, Lamps, Sleeves, and Electrical parts for the Wastewater Treatment Plant Trojan 3000PLUS UV Disinfection System** (Public Works Director Vinson)
Staff's Recommendation: Awards a sole source purchase to Trojan Technologies of London, Ontario for the purchase of new UV Disinfection System Lamps, Sleeves and associated parts for the Wastewater Treatment Plant, in an amount not to exceed \$131,199.71; and authorizes and directs the City Manager or her designee to execute the purchase order on behalf of the City.

RESOLUTIONS

8. **Resolution approving Fiscal Year 2023-24 Annual SB1 Project List** (Deputy City Manager/Community Development Director Thompson)
Staff's Recommendation: Adoption of Resolution No. 3408-23 approving Fiscal Year 2023-24 annual Project List funded by SB 1, The Road Repair and Accountability Act of 2017; and authorizes and directs the City Manager to transmit a certified copy of the resolution to the California Transportation Commission.
9. **Resolution initiating proceedings for the Annual Assessments Levy with respect to the various assessment maintenance districts for Fiscal Year 2023/24** (Deputy City Manager/ Community Development Director Thompson)
Staff's Recommendation: Adoption of Resolution No. 3409-23, initiating proceedings for the Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2023/24 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.
10. **Resolutions ordering the engineer to prepare and file reports, declaring the City's intent to collect, preliminarily approving engineer's reports, and setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2023/24** (Deputy City Manager/Community Development Director Thompson)
Staff's Recommendation: Adoption of Resolution No. 3410-23 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 2023/24; Adopt Resolution No. 3411-23 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2023/24, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for July 10, 2023.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

11. **Adoption of an ordinance Amending section 8.16.260 "Solid Waste,**

Recyclables, and Organic Waste Collection,” of chapter 8 “Health and Safety” of the Atwater Municipal Code (Public Works Director Vinson)

Staff's Recommendation: Waiving the second reading and adopting Ordinance No. CS 1063 amending Chapter 8.16.260 “Solid Waste, Recyclables, and Organic Waste Collection,” of the Atwater Municipal Code.

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

PUBLIC HEARINGS

- 12. Resolution adopting the updated City of Atwater Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (SETP) (Deputy City Manager/Community Development Director Thompson)**

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

Close the public hearing; and

Motion to adopt Resolution No. 3405-23 Updating the City of Atwater American with Disabilities Act (ADA Self Evaluation and Transition Plan (SETP)); or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 13. Approving Budget Amendment amending the 5-Year Capital Improvement Program allocating funding for City Wide Traffic Signals Synchronization Project; and authorizing and directing City Manager to execute all agreements or documents required for Project (Deputy City Manager/Community Development Director Greg Thompson)**

Staff's Recommendation: Motion to adopt Resolution No. 3406-23 approving Budget Amendment No. 1, amending Fiscal year 2023-24 Budget to allocate funding for City Wide Traffic Signals Synchronization and amending the 5-Year Capital Improvement Program, in the amount not to exceed \$1,350,793.00; and adopt Resolution No. 3407-23 authorizing and directing the City Manager or her designee to execute any agreements or documents, on behalf of the City, relating to Federal Aid (CMAQ) Project No. CML-5254(034), City Wide Traffic Signals Synchronization; or

Motion to approve staff's recommendation as presented.

- 14. Resolution Awarding a Services Agreement and Franchise for Temporary Roll-Off Collection Service to Central Valley Disposal of Atwater, California (Public Works Department Vinson)**

Staff's Recommendation: Motion to adopt Resolution No. 3404-23 awarding a Services Agreement and Franchise for Temporary Roll-

Off Collection Services, in a form approved by the City Attorney, with Central Valley Disposal of Atwater, California for the provision of Temporary Roll-Off services to the Atwater residents and/or commercial businesses; and authorizes the Mayor of City of Atwater to execute said agreement; or

Motion to approve staff's recommendation as presented.

15. **Presentation regarding illegal fireworks reporting smartphone application "Nail 'em" created by TNT Fireworks** (Battalion Chief/Fire Marshal Lopes)

CITY MANAGER REPORTS/UPDATES:

16. **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 REPORTS/UPDATES

- **City Council Member Cale, District 1**
- **City Council Member Button, District 2**
- **City Council Member Ambriz, District 3**
- **Mayor Pro Tem Raymond, District 4**
- **Mayor Nelson**

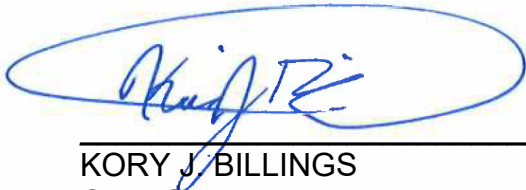
CLOSED SESSION

Continuation of Closed Session if necessary

ADJOURNMENT

CERTIFICATION:

I, Kory J. Billings, 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.



KORY J. BILLINGS
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) 357-6241. You may also send the request by email to cityclerk@atwater.org.

Unless otherwise noted, City Council actions include a determination that they are not a "Project" within the meaning of the California Environmental Quality Act (CEQA), and therefore, that CEQA does not apply to such actions.