

CITY OF ATWATER

CITY COUNCIL AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

March 14, 2016

CALL TO ORDER:

5:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Bergman____, Raymond ____, Rivero____, Vineyard ____, Price____

CLOSED SESSION:

Adjourn to Conference Room A

- a. **Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (2)**
- b. **Public Employment Appointment – Government Code Section 54957
Title: CAL FIRE Battalion Chief**
- c. **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Community Development Director McBride**

**Property Locations: APN 001-134-012
APN 001-134-015**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain McClellan



ROLL CALL:

Bergman____, Raymond ____, Rivero____, Vineyard ____, Price____

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 Certificates of Appreciation from Merced County Veterans to City of Atwater (Merced County Veterans Service Officer John Ceccoli)**

Staff's Recommendation: That Police Chief/City Manager Pietro and Police Officer Dash accept the Certificates of Appreciation from Merced County Veterans for refurbishing and donating bicycles to homeless veterans for transportation.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**
- **Transportation Expenditure Plan (Merced County Association of Governments Executive Director Marjie Kirn)**

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. Please state your name and address for the record. 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.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of five (5) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

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. a) **February 22, 2016**
 b) **March 14, 2016**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. a) **Regular meeting, February 8, 2016**
 b) **Special meeting, February 25, 2016**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Commissions)

3. **Community Development and Resources, January 20, 2016**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

4. **Consents to inclusion of City of Atwater properties in California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority** (Community Development Director McBride)

Staff's Recommendation: Adoption of Resolution No. 2873-16 consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to finance renewable energy improvements, energy efficiency and water conservation improvements, and electric vehicle charging infrastructure and approving Associate Membership in the Joint Exercise of Powers Authority related thereto (SB555); and adoption of Resolution No. 2874-16 consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority program to finance renewable energy generation, energy and water efficiency improvements, and electric vehicle charging infrastructure and approving Associate Membership in the Joint Exercise of Powers Authority related thereto (AB811); and authorizes and directs the City Manager to execute any documents relating to participation on behalf of the City.

AGREEMENTS:

- 5. Approval of participation in the Merced Integrated Regional Water Management Authority and authorizing execution of the Joint Powers Agreement** (Water Division Manager/Chief Operator Shaw)

Staff's Recommendation: Approval of participation in the Merced Integrated Regional Water Management Authority and authorizes and directs the Mayor to execute the Joint Powers Agreement, in a form approved by the City Attorney, on behalf of the City.

- 6. Approval of professional services agreement with VVH Consulting Engineers, Inc. for on call general engineering services** (Community Development Director McBride)

Staff's Recommendation: Approval of professional services agreement, in a form approved by the City Attorney, with VVH Consulting Engineers, Inc. (VVH) for on call general engineering services; and authorizes the City Manager to execute the agreement on behalf of the City.

REPORTS:

- 7. Monthly review of local drought emergency** (City Attorney Terpstra)

Staff's Recommendation: Reaffirms the facts and findings in Resolution No. 2823-15 declaring the existence of a local drought emergency.

PUBLIC IMPROVEMENTS:

- 8. Acceptance of new Tier 4 water truck** (Water Division Manager/Chief Operator Shaw)

Staff's Recommendation: Acceptance of work done under contract to manufacture and deliver a new Tier 4 water truck, City Project No. 14-6, Bid Call No. 671-15; authorizes 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 \$113,290.92.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6205).

- 9. Claim No. 2016-2**

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2016-2 be rejected.

10. Claim No. 2016-3

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2016-3 be rejected.

PETITIONS:

11. Approval of Atwater Youth Baseball, Softball, & T-ball's (AYBS&T) request for assistance with Opening Day ceremonies

Staff's Recommendation: Approval of request for assistance with AYBS&T Opening Day ceremonies on March 19, 2016 from 8:00 AM – 10:00 AM; to set out barricades and "No Parking" signs; to help control traffic and parking; and to assist with the "Procession of Players" beginning at Broadway and Fifth Street and ending at Memorial Park.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

12. Police Department activities and projects for the month of February, 2016 (Police Lieutenant Joseph)

13. Police Volunteer activities for the month of February, 2016 (Police Volunteer Vineyard)

14. Fire Department activities and projects for the month of February, 2016 (CAL FIRE Battalion Chief Pimentel)

15. Public Works Department activities and projects for the month of February, 2016 (Interim Public Works Director Faretta)

FUNDING AND BUDGET MATTERS:

16. Accepting Audited Financial Statements for the fiscal year ended June 30, 2015 (Finance Director Deol)

Staff's Recommendation: Motion to accept the Audited Financial Statements for the fiscal year ended June 30, 2015; or

Motion to approve staff's recommendation as presented.

17. Approving refinancing CalPERS Side Fund (a portion of the City's unfunded liability) for the Miscellaneous and Safety Plans (Finance Director Deol)

Staff's Recommendation: Motion to adopt Resolution No. 2880-16 approving the form and authorizing execution and delivery of certain lease financing documents in connection with the refinancing of a portion of the City's outstanding Unfunded Accrued Actuarial Liability to the California Public Employees' Retirement System, and providing for other matters properly related thereto; or

Motion to approve staff's recommendation as presented.

CITY ATTORNEY REPORTS/UPDATES:

18. Adopting resolution declaring City's intent to track water usage using two methods for State-mandated water reporting

Staff's Recommendation: Motion to adopt Resolution No. 2877-16 declaring City's intent to track water usage using two methods; first, by including all users of water including the Atwater Elementary School District, Atwater High School District, Teasdale Foods, and the Federal Bureau of Prisons; and second, by excluding the aforementioned customers for State-mandated water reporting; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

19. Discussion regarding MOU among the agencies within the Merced Groundwater Subbasins following the Sustainable Groundwater Management Act (SGMA) (City Council Member Vineyard)

20. City Council comments and requests for future agenda items

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

CERTIFICATION:

I, Jeanna Del Real, 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.



JEANNA DEL REAL, CMC
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.



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