

CITY OF ATWATER

CITY COUNCIL AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

May 22, 2017

CALL TO ORDER:

5:00 PM

ROLL CALL:

Creighton ____ , Raymond ____ , Vierra ____ , 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. **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Community Development Director McBride**

**Property Locations: APN 003-170-034
APN 004-084-011
APN 003-071-001**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Mead

ROLL CALL:

Creighton ____ , Raymond ____ , Vierra ____ , 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 to City of Livingston Police Chief Chavez and Police Lieutenant Osorio**

Staff's Recommendation: That Mayor Price and Police Chief Joseph make the presentation to Police Chief Chavez and Police Lieutenant Osorio for assisting the City of Atwater during Atwater Police Chief Joseph's absence for FBI training.

- **Presentation to Chris and George Morrow, Jim Brisco Enterprises**

Staff's Recommendation: That Mayor Price and Police Chief Joseph make the presentation to Chris and George Morrow for their assistance on the tow yard site preparation.

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.

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. May 22, 2017

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

- 2. a) Special meeting, April 24, 2017**
- b) Regular meeting, April 24, 2017**
- c) Special meeting, April 27, 2017**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

- 3. a) Regular meeting, January 18, 2017**
- b) Regular meeting, February 15, 2017**

Staff's Recommendation: Acceptance of minutes as listed.

CALL FOR BIDS/RFPS:

- 4. Awarding a Cooperative Purchase for the purchase and installation of equipment for two (2) police utility vehicles (Police Chief Joseph)**

Staff's Recommendation: Awards a Cooperative Purchase, in a form approved by the City Attorney, to Emergency Vehicle Outfitters of Elk Grove, California, for the purchase and installation of equipment for two (2) police utility vehicles in an amount not to exceed \$25,680.68; and authorizes and directs the City Manager to execute the purchase agreement on behalf of the City.

AGREEMENTS:

- 5. Approving entering into a Software Agreement with Opengov, Inc. for purchase of Software and Support Services (Finance Director Deol)**

Staff's Recommendation: Approval of Software Agreement, in a form approved by the City Attorney, with OpenGov, Inc. for purchase of software and support services regarding financial transparency; and authorizes and directs the City Manager to execute the agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. **Waiving the second reading and adopting Ordinance No. CS 980 approving Pre-Zoning (Z 17-01) and Ordinance No. CS 981 approving the Ferrari Ranch Development Agreement** (Interim City Manager/Community Development Director McBride)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 980 approving Pre-Zoning (Z 17-01) and Ordinance No. CS 981 approving the Ferrari Ranch Development Agreement.

ANNUAL PETITIONS AND COMMUNICATIONS:

7. **Request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive"**

Staff's Recommendation: Approves request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" from 7:00 AM to 2:00 PM on Saturday, May 27, 2017.

PETITIONS AND COMMUNICATIONS:

8. **Request to hold Seamless Summer Feeding Program for Summer 2017** (Atwater School District Food Service Supervisor Lisa Ludwig)

Staff's Recommendation: Motion to approve request from Atwater School District, Nutrition Services Department, to hold annual Seamless Summer Feeding Program at Heller Park, Ralston Park, and Veteran's Park from June 6, 2017 to July 28, 2017, to provide free meals to children (age 18 and under) in the community; or

Motion to approve staff's recommendation as presented.

9. **Request to hold "Blessing our City" Community Outreach Event** (Maria Cruz, Radio Restaurazion 107.7 FM)

Staff's Recommendation: Motion to approve request from Radio Restaurazion 107.7 FM to hold Community Outreach Event, "Blessing our City," at Ralston Park on Saturday, June 17, 2017 from 10:00 AM through 1:00 PM, to provide food, clothing and live music; or

Motion to approve staff's recommendation as presented.

FUNDING AND BUDGET MATTERS:

10. **Treasurer's Report for the month of April, 2017** (City Treasurer Heller)

Staff's Recommendation: Motion to approve the Treasurer's Report for the month of April, 2017; or

Motion to approve staff's recommendation as presented.

11. **Verbal report regarding Proposed Budget for FY 2017/18** (Finance Director Deol)

INTERIM CITY MANAGER'S REPORTS:

12. **Verbal update regarding Commercial Marijuana Ordinance**

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding a Commercial Marijuana Ordinance.

PUBLIC HEARINGS:

13. **Waiving the first reading and introducing Ordinance No. CS 983 approving sales tax revenue sharing between the City of Atwater and the County of Merced** (Interim City Manager/Community Development Director McBride)

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

Motion to waive the first reading and introduce Ordinance No. CS 983 approving sales tax revenue sharing between the City of Atwater and the County of Merced; or

Motion to approve staff's recommendation as presented.

14. **Approving the amended 5th Cycle Housing Element update and authorizing submittal of the approved Housing Element to the Department of Housing and Community Development for certification** (Interim City Manager/Community Development Director McBride)

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

Motion to adopt Resolution No. 2953-17 approving the Amended 5th Cycle Housing Element update and authorizing and directing staff to submit the approved amended Housing Element to the Department of Housing and Community Development for final certification; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

15. **Resolution authorizing re-funding 2008, 2010, and 2011 Wastewater Bonds; approving Consulting Services Agreement with A. M. Peché & Associates LLC, Bond Counsel Services Agreement with Nossaman LLP, and Underwriter Agreement with Hilltop Securities, Inc. relating to refinancing of the City's Wastewater Bonds** (Interim City Manager/Community Development Director McBride)

Staff's Recommendation: Motion to adopt Resolution No. 2954-17 authorizing and directing staff to proceed with the refinancing of the City's Wastewater Bond issues and approving a financing team consisting of a municipal advisor, bond and disclosure counsel, and underwriter to begin working on such refinancing; to approve a Consulting Service Agreement with A. M. Peché & Associates LLC for Municipal Advisory Service associated with bond refinancing; to approve an Agreement for Bond and Disclosure Counsel Services with Nossaman LLP; and to approve an Underwriting Agreement with Hilltop Securities, Inc.; or

Motion to approve staff's recommendation as presented.

- 16. **Verbal report regarding Federal Bureau of Investigation training** (Police Chief Joseph)
- 17. **Verbal report regarding weed abatement** (CAL FIRE Battalion Chief Schmitz)

CITY COUNCIL MATTERS:

- 18. **Discussion regarding FY 2017/18 Budget Workshops**
- 19. **City Council comments**

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

CERTIFICATION:

I, Don Hyler III, 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.



DON HYLER III
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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