

**CITY OF ATWATER  
CITY COUNCIL  
AND  
SUCCESSOR AGENCY TO THE ATWATER  
REDEVELOPMENT AGENCY  
AGENDA**

**May 8, 2017**

CALL TO ORDER:

**5:00 PM**

ROLL CALL:

**Creighton \_\_\_\_ , Raymond \_\_\_\_ , Vierra \_\_\_\_ , Vineyard \_\_\_\_ , Price \_\_\_\_**

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Deputy City Attorney Henderson and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Miscellaneous Unit and Clerical Unit**

REGULAR SESSION: (Council Chambers)

**6:00 PM**

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain Mead**

ROLL CALL: (City Council/Governing Board)

**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.

**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.**

**PRESENTATIONS:**

- 1. Monthly verbal report by Merced County District 3 Supervisor McDaniel**
- 2. Potential purchase of OpenGov software and support services (Finance Director Deol)**

**Staff's Recommendation:** Motion to direct staff to prepare a contract, in a form approved by the City Attorney, with OpenGov for software and support services regarding financial transparency, for consideration and possible action at the May 22, 2017 regular City Council meeting.

**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:**

- 3. May 8, 2017**

**Staff's Recommendation:** Approval of warrants as listed.

**RESOLUTIONS:**

- 4. Approving Budget Amendment No. 6 regarding CEQA and Land Planning Services at the former Waste Water Treatment Plant and approving a Professional Services Agreement between the City of Atwater and EMC**

**Planning Group, Inc.** (Interim City Manager/Community Development Director McBride)

**Staff's Recommendation:** Adoption of Resolution No. 2952-17 approving Budget Amendment No. 6 to the 2016/17 Fiscal Year Budget; and approves Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and EMC Planning Group, Inc. for California Environmental Quality Act (CEQA) and Land Planning Services for the former Waste Water Treatment Plant (WWTP) located on Commerce Avenue.

5. **Approving a preliminary submission to the State Department of Finance regarding a proposed refunding of certain outstanding obligations of the Atwater Redevelopment Agency** (Interim City Manager/Community Development Director McBride)

**Staff's Recommendation:** Adoption of Resolution No. SA 2017-4 approving a preliminary submission to the California Department of Finance ("DOF") regarding a proposed refunding of certain outstanding obligations and bonds of the Atwater Redevelopment Agency; approves a Consulting Services Agreement, in a form approved by the City Attorney, with A.M. Peche & Associates for service associated with bond refinancing; approves an agreement for Bond Counsel Services with Nossaman LLP; approves a Placement Agent Agreement with Hilltop Securities, Inc.; and approves Amendment No. 1 and Addendum No. 1 to the General Services Agreement with Rosenow Spevacek Group, Inc. for preparation of a Fiscal Consultants Report (FCR).

AGREEMENTS:

6. **Approving Amended and Restated Property Tax Sharing Agreement between the City of Atwater and County of Merced** (Interim City Manager/Community Development Director McBride)

**Staff's Recommendation:** Approval of the Amended and Restated Property Tax Sharing Agreement between the City of Atwater and the County of Merced; and provides direction to City staff to initiate the preparation of an ordinance to allow for sales tax revenue sharing between the City of Atwater and the County of Merced.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

7. **Police Department activities and projects for the month of April, 2017** (Police Chief Joseph)
8. **Police Volunteer activities for the month of April, 2017** (Police Volunteer Vineyard)

9. **Fire Department activities and projects for the month of April, 2017** (CAL FIRE Battalion Chief Pimentel)
10. **Public Works Department activities and projects for the month of April, 2017** (Interim Public Works Director Faretta)
11. **Water Well Levels for the month of April, 2017** (Water Division Manager/Chief Operator Shaw)

12. **Request to hold Red Ribbon Walk** (Community Member Miranda Medeiros)

**Staff's Recommendation:** Motion to approve request to hold a Red Ribbon Walk starting on Determine Drive to Bellevue Road down Winton Way to Winton Park on Saturday, October 28, 2017 from 10:00 AM – 1:00 PM; or

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

13. **Memorandum of Understanding forming the Merced Irrigation-Urban Groundwater Sustainability Agency** (Water Division Manager/Chief Operator Shaw)

**Staff's Recommendation:** Open the public hearing and take any testimony given regarding the Memorandum of Understanding forming the Merced Irrigation-Urban Groundwater Sustainability Agency as required by the Sustainable Groundwater Management Act prior to submitting the MOU to the Department of Water Resources.

14. **Adoption of resolutions regarding Ferrari Ranch and waiving the first reading and introducing Ordinance No. CS 980 approving Pre-Zoning (Z 17-01) and introducing Ordinance No. CS 981 approving the Ferrari Ranch Development Agreement** (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. 2943-17 certifying the Ferrari Project Program EIR, Resolution No. 2944-17 amending the General Plan (GPA 17-01), Resolution No. 2945-17 approving the initiation of annexation proceedings with Merced County Local Agency Formation Commission (LAFCO) (ANX 17-01), Resolution No. 2946-17 disestablishing land within the boundary of Ferrari Ranch from the Merced County Agricultural Preserve, Resolution No. 2947-17 approving the Ferrari Ranch Planned Development Master Plan (PD 17-01), Resolution No. 2948-17 approving the Ferrari Ranch Vesting Tentative Map (VTM 17-01), and Resolution No.

2949-17 adopting CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and

Motion to waive the first reading and introduce Ordinance No. CS 980 approving Pre-Zoning (Z 17-01) and Ordinance No. CS 981 approving the Ferrari Ranch Development Agreement; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

**15. Awarding a Cooperative Purchase for Two (2) New 2017 Police Utility Vehicles** (Acting Police Sergeant Novetzke)

**Staff's Recommendation:** Motion to award a cooperative purchase, in a form approved by the City Attorney, to American Chevrolet of Modesto, California, for the purchase of two (2) new 2017 police utility vehicles in an amount not to exceed 75,346.48; and to authorize and direct the City Manager to execute the purchase agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

**16. Declaring Sole Source and awarding the purchase of police equipment** (Police Officer/Range Master Sarginson)

**Staff's Recommendation:** Motion to declare Pro Force Law Enforcement of Prescott, Arizona as sole source provider for Smith and Wesson Police handguns; to award the purchase of Smith and Wesson police handguns to Pro Force Law Enforcement, Prescott, Arizona in the amount not to exceed \$20,073.93; and to authorize and direct the City Manager to execute the purchase agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

**17. City Council comments**

CLOSED SESSION:

**Continuation of Closed Session if necessary**

ADJOURNMENT:

CERTIFICATION:

I, Don Hyler III, City Clerk/Board Secretary 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

AB 23 NOTICE:

*Pursuant to Government Code Section 54952.3, City Council is not receiving additional compensation for serving as members of the Successor Agency to the Atwater Redevelopment Agency.*

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 357-6205. You may also send the request by email to [jdelreal@atwater.org](mailto:jdelreal@atwater.org).*