CITY OF ATWATER

CITY COUNCIL
AND
SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

October 10, 2016

CALL TO ORDER: **5:00 PM**

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: (City Council)

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 (3)

b. Pursuant to Government Code Section 54957, Public Employee Appointment: City Manager

c. Pursuant to Government Code Section 54957, Public Employee Appointment: City Attorney

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)

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.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

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. **October 10, 2016**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. **Regular meeting, September 26, 2016**

Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

3. **Authorizing transfer of property located at Manuel Bairos Park to the Atwater Elementary School District** (Community Development Director McBride)

Staff's Recommendation: Authorization of transfer of a portion of Manuel Bairos Park to the Atwater Elementary School District for the expansion of Peggy Heller School.

4. **Ratifying Side Letter Agreement with Miscellaneous and Clerical Bargaining Units** (Human Resources Director Del Real)

Staff's Recommendation: Adoption of Resolution No. 2925-16 ratifying Side Letter of Agreement with American Federation of State, County and Municipal Employees, Local 2703, Council 57, AFL-CIO ("AFSCME") representing the Miscellaneous Unit and Clerical Unit and authorizing and directing the City Manager to execute the agreement, in a form approved by the Deputy City Attorney, on behalf of the City.

PUBLIC IMPROVEMENTS:

5. **Accepting Public improvements within Tract No. 04-6, Juniper Meadows II** (Community Development Director McBride)

Staff's Recommendation: Acceptance of the public improvements within Tract No. 04-6, Juniper Meadows II on behalf of the public.

REPORTS:

6. **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.

ORDINANCES (WAIVING FIRST READING AND INTRODUCTION):

7. **Waiving the first reading and introducing Ordinance No. CS 978 repealing and re-enacting Title 15, "Buildings and Construction," of the Atwater Municipal Code and setting a Public Hearing** (Chief Building Official Pereida)

Staff's Recommendation: Waives the first reading and introduces Ordinance No. CS 978 repealing and re-enacting Title 15, "Buildings and Construction," of the Atwater Municipal Code; and authorizes and directs the City Manager to schedule a Public Hearing for adoption of Ordinance No. CS 978 on October 24, 2016.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

8. **Police Department activities and projects for the month of September, 2016** (Interim Police Chief Joseph)

9. **Police Volunteer activities for the month of September, 2016** (Police Volunteer Vineyard)

10. **Fire Department activities and projects for the month of September, 2016** (CAL FIRE Battalion Chief Pimentel)

11. **Public Works Department activities and projects for the month of September, 2016** (Interim Public Works Director Faretta)

CITY ATTORNEY REPORTS/UPDATES:

12. **Verbal update regarding Mobile Home Park Conversions**

PUBLIC HEARINGS:

13. **Waiving the first reading and introducing Ordinance No. CS 976 amending Chapter 8.50, "Camping, Sleeping, Storage of Personal Property," of the Atwater Municipal Code** (Deputy City Attorney Henderson)

Staff's Recommendation: Open the Public Hearing and take any testimony given regarding Ordinance No. CS 976; and

Motion to waive the first reading and introduce Ordinance No. CS 976 amending Chapter 8.50, "Camping, Sleeping, Storage of Personal Property," of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

14. **Approving City Operated Tow Yard at Corporation Yard and authorizing Measure H Funds for site improvements** (Interim Police Chief Joseph)

Staff's Recommendation: Motion to adopt Resolution No. 2924-16 approving a City Operated Tow Yard at the City Corporation Yard and authorizing the use of Measure H Funds to improve the location; or

Motion to approve staff's recommendation as presented.

15. Approving First Amendment to the Promissory Note between Luis Naranjo Villalobos and the Successor Agency to the Atwater Redevelopment Agency (Community Development Director McBride)

Staff's Recommendation: Motion to adopt Resolution No. SA 2016-4 approving the First Amendment to the Promissory Note, in a form approved by the City Attorney, between Luis Naranjo Villalobos and the Successor Agency to the Atwater Redevelopment Agency; or

Motion to approve staff's recommendation as presented.

16. Verbal update regarding Public Safety CFD compared to "Mello Roos" CFD 1-90 and Maintenance Districts (Community Development Director McBride)

CITY COUNCIL MATTERS:

17. Approving resolution opposing Proposition 57, the California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative (City Council Members Raymond and Vineyard)

Staff's Recommendation: Motion to adopt Resolution No. 2927-16 opposing Proposition 57, the California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative; or

Motion to approve staff's recommendation as presented.

18. City Council comments and requests for future agenda items

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

CERTIFICATION:

I, Kim Bengtson-Jennings, Deputy 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.

Kim Bengtson-Jennings

KIM BENGTSON-JENNINGS
DEPUTY 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 Fire Protection District or as 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.