

CITY OF ATWATER

CITY COUNCIL AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

October 24, 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 (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 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:

Certificates:

- **Jeff Rivero, Yosemite High School Teacher**

Staff's Recommendation: That Mayor Price make the presentation to Jeff Rivero for earning the national 2016 Presidential Innovation Award for Educators.

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 24, 2016**

Staff's Recommendation: Approval of warrants as listed.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

2. **Waiving the second reading and adopting Ordinance No. CS 976 amending Chapter 8.50, "Camping and Storage of Personal Property," of the Atwater Municipal Code** (City Attorney Terpstra)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 976 amending Chapter 8.50, "Camping and Storage of Personal Property," of the Atwater Municipal Code.

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).

3. **Claim No. 2016-13**

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2016-13 be rejected.

PETITIONS AND COMMUNICATIONS:

4. **Valley Christian Chapel**

Staff's Recommendation: Approval of request from Valley Christian Chapel for assistance with their annual Harvest Festival on October 31, 2016; to block off 3rd Street between Broadway Avenue and Cedar Avenue from 5:30 PM to 9:00 PM.

FUNDING AND BUDGET MATTERS:

5. **Treasurer's Report for the month of September, 2016** (City Treasurer Heller)

Staff's Recommendation: Motion to approve the Treasurer's Report for the month of September, 2016; or

Motion to approve staff's recommendation as presented.

CITY ATTORNEY REPORTS/UPDATES:

6. **Verbal report regarding possible transition of City Council elections from current "at large" system to "district elections"**

PUBLIC HEARING:

7. **Waiving the second reading and adopting Ordinance No. CS 978 repealing and re-enacting Title 15, "Buildings and Construction," of the Atwater Municipal Code** (Chief Building Official Pereida)

Staff's Recommendation: Open the public hearing and receive any testimony given regarding Ordinance No. CS 978; and

Motion to waive the second reading and adopt Ordinance No. CS 978 repealing and re-enacting Title 15, "Buildings and Construction," of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

RECONSIDERATION OF AGENDA ITEM:

- 8. Reconsideration of agenda item from the October 10, 2016 City Council meeting (Mayor Price)** (Reconsideration of an agenda item requires a two-thirds vote of the members of the City Council present at the meeting.)

Staff's Recommendation: Motion to reconsider agenda item from the October 10, 2016 City Council meeting, "Authorizing transfer of property located at Manuel Bairos Park to the Atwater Elementary School District."

REPORTS AND PRESENTATIONS FROM STAFF:

- 9. Authorizing Purchase and Sale Agreement for transfer of property located at Manuel Bairos Park to the Atwater Elementary School District** (Community Development Director McBride)

Staff's Recommendation: Motion to authorize Purchase and Sale Agreement, in a form approved by the City Attorney, for transfer of a portion of Manuel Bairos Park to the Atwater Elementary School District for the expansion of Peggy Heller School; or

Motion to approve staff's recommendation as presented.

- 10. Verbal discussion and possible action regarding the Vacant Building and Underutilized Sites Sales Tax Rebate Program** (Community Development Director McBride)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding the Vacant Building and Underutilized Sites Sales Tax Rebate Program.

CITY COUNCIL MATTERS:

- 11. Verbal discussion and possible action regarding the City of Atwater Development Fee Reduction Program** (City Council Member Raymond)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding the City of Atwater Development Fee Reduction Program.

12. 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.



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.