



CITY OF ATWATER

CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

ACTION MINUTES

May 8, 2017

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Vineyard presiding.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price (5:12 PM)

Absent: None

Staff Present: Interim City Manager McBride, Deputy City Attorney Ruppel, Deputy City Clerk Saavedra, Recording Secretary Bengtson-Jennings

CLOSED SESSION: (Conference Room A)

Mayor Pro Tem Vineyard invited public comments on Closed Session items.

No one came forward to speak at this time.

Mayor Pro Tem Vineyard adjourned the meeting to Conference Room A for Closed Session at 5:01 PM. Closed Session was called to order at 5:12 PM.

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

Closed Session adjourned at 5:57 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Regular Session this date at 6:04 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board Chair Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor/Board Chair Price.

INVOCATION:

The Invocation was led by Police Chaplain Mead.

ROLL CALL: (City Council/Governing Board)

Present: City Council Members/Board Members Creighton, Raymond, Vierra, Mayor Pro Tem/Board Vice Chair Vineyard, Mayor/Board Chair Price

Absent: None

Staff Present: City Clerk/Board Secretary/Interim City Manager/Executive Director McBride, Deputy City Attorney Ruppel, CAL FIRE Battalion Chief Schmitz, Finance Director Deol, Police Chief Joseph, Acting Police Sergeant Novetzke, Police Officer/Range Master Sarginson, Water Division Manager/Chief Operator Shaw, Senior Planner Hendrix, Recording Secretary Bengtson-Jennings

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Deputy City Attorney Ruppel reported that no action was taken and staff was given direction. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS: ***None.***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: City Council Member/Board Member Vierra moved to approve the agenda as amended, to move agenda item #15 regarding a cooperative purchase

for two new 2017 police utility vehicles and agenda item #16 regarding the purchase of police equipment to immediately follow the consent calendar. The motion was seconded by Mayor Pro Tem/Board Vice Chair Vineyard and the vote was: Ayes: Raymond, Vierra Vineyard, Creighton, Price; Noes: None; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

HELEN AMARANT, Atwater, brought up an area of concern, the intersection of SP Avenue and Commerce Avenue.

BOB CALAWAY, Atwater, voiced his concerns regarding the use of a recruitment consultant, questioned the status of the City's Purchasing Manual update, and suggested partnering with the Atwater Penitentiary for the use of prisoners to help upkeep City parks.

FRANK JOHNSON, Modesto, spoke of possible "inappropriate" actions of the Interim City Manager and the importance of leading by example.

No one else came forward to speak.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported on his recent, "very productive" trip to Washington D.C. wherein he met with representatives from various departments regarding such issues as marijuana, economic development, agriculture, water, natural resources, and transportation relating to Merced County.

Potential purchase of OpenGov software and support services (Finance Director Deol)

Finance Director Deol spoke regarding the potential purchase of OpenGov software and supplementary customer support services.

Steve Zelezny, OpenGov, Inc., presented the OpenGov concept and spoke of the partnership which will enable the public to access real time data and better understand how tax dollars are spent.

JEANIE KNIGHT, Atwater, questioned the cost of the software and the support services.

MOTION: City Council Member Raymond moved to direct staff to prepare a contract, in a form approved by the City Attorney, with OpenGov, Inc. for software

and support services regarding financial transparency for consideration and possible action at the regular City Council meeting of May 22, 2017. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vineyard, Vierra, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.

CONSENT CALENDAR:

Agenda item #6 under Agreements, "Approving Amended and Restated Property Tax Sharing Agreement between the City of Atwater and County of Merced," was removed from the consent calendar for separate discussion and possible action.

MOTION: Mayor Pro Tem/Board Vice Chair Vineyard moved to approve the consent calendar as amended. The motion was seconded by City Council Member/Board Member Raymond and the vote was: Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The motion passed.

WARRANTS:

3. May 8, 2017

ACTION: Approval of warrants as listed.

RESOLUTIONS:

4. Approving Budget Amendment No. 6 regarding CEQA and Land Planning Services at the former Wastewater 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)

ACTION: 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 Wastewater 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)

ACTION: 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. Peché & 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)

This item was removed from the consent calendar for separate discussion and possible action.

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)

AGREEMENTS:

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

Interim City Manager/Community Development Director McBride spoke regarding the Amended and Restated Property Tax Sharing Agreement and its benefits to the City.

MOTION: Mayor Price moved to approve the Amended and Restated Property Tax Sharing Agreement between the City of Atwater and the County of Merced; and provide 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. The motion was seconded by Mayor Pro Tem Vineyard and the vote was:

Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding a Cooperative Purchase for two (2) new 2017 Police Utility Vehicles (Acting Police Sergeant Novetzke)

Acting Police Sergeant Novetzke spoke regarding the cooperative purchase of two (2) new 2017 police utility vehicles and the sufficient funds for said purchase in the Measure H Fund, Fiscal Year 2016/17 Budget.

JEANIE KNIGHT, Atwater, questioned if staff obtained a quote from Merced Chevrolet.

MOTION: City Council Member Creighton moved 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. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vineyard, Creighton, Raymond, Vierra, Price; Noes: None; Absent: None. The motion passed.

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

Police Officer/Range Master Sarginson spoke regarding the potential purchase of "necessary, updated" police equipment.

MOTION: City Council Member Creighton moved 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 an 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. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Creighton, Raymond, Vineyard, Price; Noes: None; Absent: None. The motion passed.

Mayor Price called a recess at 7:17 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 7:32 PM.

PETITIONS AND COMMUNICATIONS:

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

Miranda Medeiros spoke regarding the Red Ribbon Walk through Atwater and the subsequent event at Winton Park.

MOTION: Mayor Pro Tem Vineyard moved to approve the 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. The motion was seconded by Mayor Price and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

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

Mayor Price opened the public hearing for this item.

No one came forward to speak and Mayor Price closed the public hearing.

Water Division Manager/Chief Operator Shaw spoke and answered questions regarding the Memorandum of Understanding (MOU) forming the Merced Irrigation-Urban Groundwater Sustainability Agency to protect/save our groundwater as required by the Sustainable Groundwater Management Act prior to submitting the MOU to the Department of Water Resources.

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)

Interim City Manager/Community Development Director McBride introduced the item and the project team members in attendance.

Dave Dolter, Ferrari Ranch Project Manager, spoke regarding the progress of the Ferrari Ranch project thus far.

Ron Sisseem, EMC Planning Group, Inc., provided a project description and a project consideration process overview.

Mayor Price opened the public hearing for this item.

JEANIE KNIGHT, Atwater, asked several questions concerning property taxes, the future sale of property, and water and sewer connections in light of annexation.

HELEN AMARANT, Atwater, spoke in opposition to the project and resulting annexation, and she asked that she be left alone to continue running her business as usual.

JOE FOSTER, Atwater business owner, spoke in favor of the Ferrari Ranch Project and the potential revenue to the City. In addition, he spoke of the un-farmable land on which his business sits.

DANNY HERNANDEZ, Atwater, voiced his frustrations with the long, long process of moving the project forward, and he suggested annexing the property to the City first.

BREANNE RAMOS, Merced County Farm Bureau Executive Director, stated for the record that the Merced County Farm Bureau has not declared its support for the Ferrari Ranch Project, and she asked for a formal apology for the misstatement. On behalf of the Farm Bureau, she voiced her concerns regarding the long term impacts that will result due to developing the land.

JOE SCOTO, Merced County Farm Bureau President and Merced County farmer, spoke regarding the Sustainable Groundwater Management Act which requires a groundwater management plan in place by 2020, and he stated the project will use water and will impact natural resources.

No one else came forward to speak and Mayor Price closed the public hearing.

Interim City Manager/Community Development Director McBride and the Ferrari Ranch Project Team answered questions of the City Council and of the public.

Dave Dolter stated a formal apology to the Merced County Farm Bureau for any misstatement of support for the Ferrari Ranch Project.

MOTION: City Council Member Creighton moved 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 as amended; and 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 as amended, to revise Recital H to make the Annexation Deadline one year from City Council approval and contingent upon a written letter of protection/safeguard to existing business owners ensuring that they will continue business as usual, at the same level as today. The motion was seconded by Mayor Price and the vote was: Ayes: Raymond, Vineyard, Creighton, Vierra, Price; Noes: None; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Raymond spoke of his recent trip to One Voice in Washington D.C. with Merced County District 3 Supervisor McDaniel and City Council Member Creighton and the valuable information they obtained concerning grants and transportation funding.

City Council Member Vierra had nothing to report.

Mayor Pro Tem Vineyard thanked those who participated in the recent National Day of Prayer, and he invited the public to an upcoming Crestview Estates and Herman Neighborhood Watch gathering at Heller Park on May 18, 2017 from 6:00 – 7:30 PM showcasing community park pride.

City Council Member Creighton thanked everyone for allowing him to attend One Voice in Washington D.C., and he requested a future agenda item, a Department of Justice resolution to secure future funding.

Mayor Price spoke of the recent visit of Air Force members to Atwater, and he voiced his appreciation to the community and City businesses for their hospitality, namely Granny's Pantry, Isabella's Bar & Grill, Out of Bounds Sports Bar, and Rancho Del Rey Golf Club. He stated that they want to return to Atwater in the future.

ADJOURNMENT:

The meeting adjourned at 9:28 PM.



SCOTT MC BRIDE
DEPUTY CITY CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,
Recording Secretary