

CITY OF ATWATER

CITY COUNCIL AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

September 12, 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. **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Community Development Director McBride**

Property Location: APN 156-020-002

- b. **Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (3)**
- c. **Pursuant to Government Code Section 54957, Public Employee Appointment: City Manager**
- d. **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.

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. **September 12, 2016**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, August 22, 2016

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

3. Accepting the 2016 Bureau of Justice Assistance (BJA) 2016 Byrne Memorial Justice Assistance Grant (JAG) Award (Interim Police Chief Joseph)

Staff's Recommendation: Acceptance of the 2016 Bureau of Justice Assistance (BJA) 2016 Byrne Memorial Justice Assistance Grant (JAG) award and authorizes and directs the City Manager or his designee to sign any grant related documents on behalf of the City.

4. Re-adopting Conflict of Interest Code (City Clerk Del Real)

Staff's Recommendation: Adoption of Resolution No. 2919-16 re-adopting the City of Atwater's Conflict of Interest Code.

5. Authorizes execution of all documents related to Congestion Management and Air Quality (CMAQ) Projects: CML-5254(023) Wheel Loader Replacement Project, CML-254(024) Tractor Loader Replacement Project, and Cml-5254(025) Replacement of Two (2) Dump Trucks Project (Community Development Director McBride)

Staff's Recommendation: Adoption of Resolution No. 2921-16 authorizing and directing the City Manager or his designee to execute any agreements or documents, in a form approved by the City Attorney, on behalf of the City, relating to CMAQ Project CML-5254(023) Wheel Loader Replacement Project; adoption of Resolution No. 2922-16 authorizing and directing the City Manager or his designee to execute any agreements or documents, in a form approved by the City Attorney, on behalf of the City, relating to CMAQ Project CML-5254(024) Tractor Loader Replacement Project; and adoption of Resolution No. 2923-16 authorizing and directing the City Manager or his designee to execute any agreements or documents, in a form approved by the City Attorney, on behalf of the City, relating to CMAQ Project CML-5254(025) Dump Truck Replacement Project (Two).

AGREEMENTS:

6. Approves Professional Services Agreement for Highway Safety Improvement Program (HSIP) Cycle 7 (Community Development Director McBride)

Staff's Recommendation: Approval of Professional Services Agreement, in a form approved by the City Attorney, for Preliminary Engineering (PE) of the Highway Safety Improvement Program (HSIP) Cycle 7 for Signal Modification at Shaffer Road and Juniper Avenue, to Mott MacDonald of Gilroy, California in an amount not to exceed \$46,610; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

REPORTS:

7. 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.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

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

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

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

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

PETITIONS AND COMMUNICATIONS:

12. Request from New Life Community Church for use of Ralston Park on October 9, 2016

Staff's Recommendation: Approval of request from New Life Community Church to change the date of event previously approved for Sunday, October 2, 2016 to Sunday, October 9, 2016 for use of Ralston Park from 7:00 AM to 1:00 PM to hold a worship service to celebrate their 16th birthday.

PUBLIC HEARINGS:

13. Amending Miscellaneous Fee Schedule (Finance Director Deol)

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

Motion to adopt Resolution No. 2918-16 amending the Miscellaneous Fee Schedule; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 14. Verbal update regarding Community Development Department activities and projects** (Community Development Director McBride)
- 15. Verbal discussion and possible action regarding General Plan update** (Community Development Director McBride)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding the General Plan update.

- 16. Verbal report regarding solar savings at designated locations** (Water Systems Shift Operator Vinson)

CITY COUNCIL MATTERS:

- 17. Verbal discussion and possible action regarding dissolving the Audit and Finance Committee** (City Council Member Vineyard)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding dissolving the Audit and Finance Committee.

- 18. Verbal discussion and possible action regarding establishing a policy prohibiting cell phones and other texting devices during City Council meetings** (City Council Member Vineyard)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding establishing a policy prohibiting cell phones and other texting devices during City Council meetings.

- 19. Verbal discussion and possible action regarding submitting By-District Election method to the Voters at an election prior to the November 2018 elections** (City Council Member Vineyard)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding submitting By-District Election method to the Voters at an election prior to the November 2018 elections.

- 20. Verbal discussion and possible action regarding 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.

21. City Council comments


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.



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