

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

Council Chambers
750 Bellevue Road
Atwater, California

January 25, 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

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (1)

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain McClellan

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.

CEREMONIAL MATTERS:

- **Judy G. Ellis**

Staff's Recommendation: That Mayor Price make the presentation to Aileen Colburn Elementary School teacher Judy Ellis, Atwater Elementary School District, for being honored as Educator of the Week from January 11, 2016 through January 15, 2016.

PRESENTATIONS:

1. **Possible donation of Aircraft Hangar to Castle Air Museum** (Joe Pruzzo, Chief Executive Officer, Castle Air Museum Foundation, Inc.)

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:

2. January 25, 2016

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

3. a) Special meeting, January 11, 2016
b) Regular meeting, January 11, 2016

Staff's Recommendation: Approval of minutes as listed.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

4. **Waiving the second reading and adopting Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 to the Atwater Municipal Code imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City** (City Attorney Terpstra)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 "Medical Marijuana" to the Atwater Municipal Code.

AGREEMENTS:

5. **Approving Amendment No. 5 to Professional Services Agreement with EMC Planning Group, Inc. for Ferrari Ranch EIR and CEQA services** (Community Development Director McBride)

Staff's Recommendation: Approval of Amendment No. 5 to the Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and EMC Planning Group, Inc. for Ferrari Ranch EIR and CEQA services; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.

RESOLUTIONS:

6. **Submittal of grant application under the 2015 Assistance to Firefighters Grant Program** (CAL FIRE Battalion Chief Pimentel)

Staff's Recommendation: Adoption of Resolution No. 2872-16 authorizing submittal of an application to the United States Department of Homeland Security for the 2015 Assistance to Firefighters Grant Program (AFG) and authorizing and directing the City Manager, or his designee, to execute the grant application on behalf of the City.

FUNDING AND BUDGET MATTERS:

7. Treasurer's Report for the month of November, 2015 (City Treasurer Heller)

Staff's Recommendation: Motion to approve Treasurer's Report for the month of November, 2015; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS:

8. Verbal update regarding the "In God We Trust" sign in front of City Hall

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding the "In God We Trust" sign in front of City Hall.

REPORTS AND PRESENTATIONS FROM STAFF:

9. Verbal report regarding General Fund Five Year Forecast (Finance Director Deol)

10. Adopting Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for Fiscal Year 2016-17 (Community Development Director McBride)

Staff's Recommendation: Motion to adopt Resolution No. SA 2016-1 adopting the Recognized Obligation Payment Schedule 2016-17 for the July 1, 2016 through June 30, 2017 period and adopting the Administrative Budget for Fiscal Year 2016-17; or

Motion to approve staff's recommendation as presented.

11. Approving Professional Services Agreement with RSG, Inc. for Successor Agency consulting services for Fiscal Year 2016-17 (Community Development Director McBride)

Staff's Recommendation: Motion to approve a Professional Services Agreement, in a form approved by the City Attorney, with Rosenow Spevacek Group, Inc. (RSG) to perform services to the Successor Agency to the Atwater Redevelopment Agency (Successor Agency) for Fiscal Year 2016-17; and authorizing transmittal of the consulting services proposal to the Oversight Board for their consideration and possible action; or

Motion to approve staff's recommendation as presented.

12. Verbal report regarding Traffic and Pedestrian Safety List prioritization
(Community Development Director McBride)

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding traffic and pedestrian safety priority locations.

CITY COUNCIL MATTERS:

13. 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/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.



JEANNA DEL REAL, CMC
CITY CLERK/SECRETARY

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 at least 48 business hours in advance of the meeting at 357-6205 or 357-6204. You may also send the request by email to jdelreal@atwater.org.

~ January 2016 ~

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 New Year's Day City Hall closed Trash pick up delayed 1 day	2
3	4	5	6	7	8 City Hall closed	9
10	11 Special City Council Meeting - 4:30 PM City Council Meeting - 6:00 PM	12	13	14	15 City Hall closed	16
17	18 City Holiday Martin Luther King, Jr. Day Observed Trash pick up delayed 1 day	19 Oversight Board of Successor Agency to ARA Meeting - Cancelled	20 Community Development & Resources Commission Meeting - 6:00 PM	21	22 City Hall closed	23
24	25 Audit & Finance Committee Meeting - 3:30 PM City Council Meeting - 6:00 PM	26	27 Special Oversight Board of Successor Agency to ARA Meeting - 1:30 PM	28 Merced County District 3 Supervisor McDaniel "Mobile" Office Hours - 1:30 - 3:30 PM	29 City Hall closed	30
31						

~ February 2016 ~

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5 City Hall closed	6
7	8 City Council Meeting - 6:00 PM	9	10	11	12 City Hall closed	13
14	15 City Holiday President's Day Observed Trash pick up delayed 1 day	16 Oversight Board of Successor Agency to ARA Meeting - 1:30 PM	17 Community Development & Resources Commission Meeting - 6:00 PM	18	19 City Hall closed	20
21	22 Audit & Finance Committee Meeting - 3:30 PM City Council Meeting - 6:00 PM	23	24	25 Merced County District 3 Supervisor McDaniel "Mobile" Office Hours - 1:30 - 3:30 PM	26 City Hall closed	27
28	29	Notes:				

CASTLE AIR MUSEUM

ATWATER, CALIFORNIA

December 17, 2015

City of Atwater
City Council
750 Bellevue Road
Atwater, CA. 95301

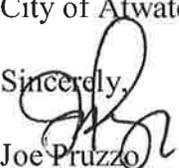
Dear Atwater City Council Members ,

The Castle Air Museum and the City of Atwater have a long and historic partnership. We share in the interest and vision of a continued and better environment for the museum and the city. Each year the museum hosts nearly 50,000 visitors from throughout the United States and abroad which is hailed as one of the finest outdoor exhibits in the world!

The museum has been approached recently by Flyers Energy Corporation with the unbelievable offer with the donation of a 140 x 60 foot Aircraft Hangar! We feel that at long last this grand gesture will be the nucleus of the long and desired dream to begin to house the precious aircraft artifacts from the deterioration caused by the harsh climate of the central valley and offer an unprecedented venue to the city and region with an all weather facility. Castle Air Museum however is a 501c3 non-profit organization which is funded through daily admissions, memberships, special event fundraisers, and donations, with approximately 98% of all work performed through the efforts of volunteers. With this stated we are appealing to the City of Atwater for your assistance and partnership. Our appeal to the city for assistance would be for the waiver of Entitlement Fees, such as Site and Architectural application and plan fees, all City AB 1600 Development Impact Fees, Fire System Connection, etc, Regional Transportation Impact Fees (RTIF), Encroachment Permit and Inspection Fees on any of the city's right of ways.

If you would like to meet with me and our staff please let me know as this wonderful offer to the museum will expire in spring of 2016. I look forward to your reply and input. Thank you so much for your consideration and partnership on this endeavor to move the City of Atwater's and region's number one tourist attraction forward.

Sincerely,



Joe Pruzzo

Chief Executive Officer
Castle Air Museum Foundation, Inc.

CELEBRATING 30 YEARS

WARRANTS SUMMARY FOR JANUARY 25, 2016 COUNCIL MEETING

TOTAL OF WARRANTS (FROM WARRANT REPORT)		
ADDITIONAL WARRANTS (THESE AMOUNTS ARE <u>NOT</u> INCLUDED IN TOTAL WARRANTS)		

\$ 676,476.94

DATE	DESCRIPTION	AMOUNT
1/7/2016	Prewrittens included in this current warrant run.	(\$295,859.91)
1/7/2016	PERS Retirement EFT 12/17/15 - 12/30/15	\$43,382.10
12/1/2015	Dental Claims/Admin.-DECEMBER 2015	\$ 13,618.47

TOTAL ADDITIONAL WARRANTS
(\$238,859.34)

GRAND TOTAL OF WARRANTS PAID =====

\$437,617.60

INFORMATIONAL ONLY (INCLUDED IN THE TOTAL WARRANTS TOTAL)

DATE	DESCRIPTION	AMOUNT
1/7/2016	Net Payroll	\$145,250.88
1/7/2016	Federal Taxes	\$51,664.85
1/7/2016	State Taxes	\$6,668.51
1/7/2016	Payroll Deductions	\$1,836.70

\$203,584.24 Total Payroll

TOTAL INFORMATIONAL WARRANTS
\$205,420.94


 CITY TREASURER

Accounts Payable

Checks for Approval

User: jdaniele
 Printed: 1/20/2016 - 12:28 PM

Drewrittens



City of Atwater
 Community Pride City Wide

750 Bellevue Road, Atwater CA 95301

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66852	01/07/2016	Applegate Ranch Lndscp	Utilities	MERCED IRRIGATION DISTRICT		15.80
66852	01/07/2016	Sewer Enterprise Fund	Utilities	MERCED IRRIGATION DISTRICT		188.97
66852	01/07/2016	Bell Crossing LNDSCP	Utilities	MERCED IRRIGATION DISTRICT		15.80
66852	01/07/2016	Mello Ranch 2 LD	Utilities	MERCED IRRIGATION DISTRICT		472.88
66852	01/07/2016	General Fund	Utilities	MERCED IRRIGATION DISTRICT		547.42
66852	01/07/2016	Water Enterprise Fund	Utilities	MERCED IRRIGATION DISTRICT		9.15
66852	01/07/2016	Applegate Ranch LD	Utilities	MERCED IRRIGATION DISTRICT		258.08
66852	01/07/2016	Mello Ranch LD	Utilities	MERCED IRRIGATION DISTRICT		304.97
66852	01/07/2016	Bell Crossing LD	Utilities	MERCED IRRIGATION DISTRICT		248.21
66852	01/07/2016	America West LD	Utilities	MERCED IRRIGATION DISTRICT		112.53
66852	01/07/2016	Price Annexation LD	Utilities	MERCED IRRIGATION DISTRICT		151.85
66852	01/07/2016	Atwater South LD	Utilities	MERCED IRRIGATION DISTRICT		310.02
66852	01/07/2016	Camellia Meadows LD	Utilities	MERCED IRRIGATION DISTRICT		50.62
66852	01/07/2016	Meadow View LD	Utilities	MERCED IRRIGATION DISTRICT		244.15
66852	01/07/2016	Mello Ranch LNDSCP	Utilities	MERCED IRRIGATION DISTRICT		47.41
66852	01/07/2016	Stone Creek LNDSCP	Utilities	MERCED IRRIGATION DISTRICT		15.80
66852	01/07/2016	Camellia Estates LD	Utilities	MERCED IRRIGATION DISTRICT		50.62
66852	01/07/2016	Price Annexation LMA	Utilities	MERCED IRRIGATION DISTRICT		18.00
66852	01/07/2016	Sewer Enterprise Fund	Utilities	MERCED IRRIGATION DISTRICT		3,663.41
66852	01/07/2016	Stone Creek LD	Utilities	MERCED IRRIGATION DISTRICT		393.07
66852	01/07/2016	Juniper Meadows LD	Utilities	MERCED IRRIGATION DISTRICT		4.21
66852	01/07/2016	Aspenwood LD	Utilities	MERCED IRRIGATION DISTRICT		147.14
66852	01/07/2016	Gas Tax/Street Improvement	Utilities	MERCED IRRIGATION DISTRICT		359.17
66853	01/07/2016	General Fund	Rents & Leases	OFFICE EQUIPMENT	Check Total:	7,629.28
66854	01/07/2016	General Fund	Miscellaneous Union Dues	AFSCME DISTRICT COUNCIL 57	Check Total:	703.29
66855	01/07/2016	General Fund	Garnishments	FRANCHISE TAX BOARD	Check Total:	748.06

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66856	01/07/2016	General Fund	Pre-Paid Legal	PRE-PAID LEGAL SERVICES		148.83
				Check Total:		36.89
66857	01/07/2016	General Fund	Garnishments	STATE DISBURSEMENT UNIT		36.89
				Check Total:		852.92
66858	01/07/2016	General Fund	Deferred Compensation	VANTAGEPOINT TRANSFER AGT-457		852.92
				Check Total:		50.00
66859	01/12/2016	General Fund	Communications	BUSINESS RADIO LICENSING		50.00
				Check Total:		120.00
66860	01/12/2016	General Fund	Training	ARMANDO ECHEVARRIA		120.00
				Check Total:		1,520.56
66861	01/12/2016	Meadow View LD	Utilities	MERCED IRRIGATION DISTRICT		1,520.56
				Check Total:		18.85
66862	01/12/2016	Sewer Enterprise Fund	Memberships & Subscriptions	WESTAMERICA BANK		18.85
66862	01/12/2016	General Fund	Recreation Donations	WESTAMERICA BANK		60.00
66862	01/12/2016	Water Enterprise Fund	Training	WESTAMERICA BANK		205.90
66862	01/12/2016	Gas Tax/Street Improvement	Special Departmental Expense	WESTAMERICA BANK		1,000.00
66862	01/12/2016	Risk Management Fund	Special Departmental Expense	WESTAMERICA BANK		401.93
66862	01/12/2016	General Fund	Special Departmental Expense	WESTAMERICA BANK		59.50
66862	01/12/2016	Water Enterprise Fund	Special Departmental Expense	WESTAMERICA BANK		130.44
66862	01/12/2016	Internal Service Fund	Special Departmental Expense	WESTAMERICA BANK		33.02
66862	01/12/2016	General Fund	Training	WESTAMERICA BANK		65.61
66862	01/12/2016	Meadow View LNDSCP	Special Departmental Expense	WESTAMERICA BANK		538.00
66862	01/12/2016	General Fund	Professional Services	WESTAMERICA BANK		10.00
				Check Total:		414.20
66863	01/13/2016	RDVLPMTN Obligation Retirement	Loan Payable	CITY OF ATWATER		2,918.60
				Check Total:		281,097.63
66864	01/13/2016	General Fund	Special Departmental Expense	DEPT. OF MOTOR VEHICLES		281,097.63
				Check Total:		15.00
				Check Total:		15.00

Accounts Payable

Checks for Approval

User: jdamiel
 Printed: 1/20/2016 - 12:34 PM



City of Atwater
Community Pride City Wide

750 Bellvue Road, Atwater CA 95301

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66865	01/25/2016	General Fund	Office Supplies	ABS PRESORT, INC.		2,700.00
				Check Total:		2,700.00
66866	01/25/2016	Ferrari Ranch Project Fund	Professional Services	AECOM TECHNICAL SERVICES, INC.		2,997.00
				Check Total:		2,997.00
66867	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	ALL-PHASE ELECTRIC		9.19
66867	01/25/2016	Water Enterprise Fund	Special Departmental Expense	ALL-PHASE ELECTRIC		53.19
				Check Total:		62.38
66868	01/25/2016	Sanitation Enterprise	Accounts Payable	MARIA ELENA ALVARADO		3.81
66868	01/25/2016	Water Enterprise Fund	Accounts Payable	MARIA ELENA ALVARADO		114.25
66868	01/25/2016	Sanitation Enterprise	Accounts Payable	MARIA ELENA ALVARADO		12.24
66868	01/25/2016	Sewer Enterprise Fund	Accounts Payable	MARIA ELENA ALVARADO		40.38
				Check Total:		170.68
66869	01/25/2016	Internal Service Fund	Professional Services	ASSOCIATES LOCK		75.00
66869	01/25/2016	Internal Service Fund	Special Departmental Expense	ASSOCIATES LOCK		97.20
				Check Total:		172.20
66870	01/25/2016	Internal Service Fund	Communications	AT and T		1,947.14
66870	01/25/2016	Meadow View LD	Communications	AT and T		88.83
66870	01/25/2016	General Fund	Communications	AT and T		245.68
66870	01/25/2016	Water Enterprise Fund	Communications	AT and T		985.81
66870	01/25/2016	Sewer Enterprise Fund	Communications	AT and T		1,089.45
66870	01/25/2016	Northwood Village LD	Communications	AT and T		89.90
66870	01/25/2016	General Fund	Communications	AT and T		526.09
				Check Total:		4,972.90
66871	01/25/2016	Water Enterprise Fund	Special Departmental Expense	ATWATER IRRIGATION INC.		3.10
				Check Total:		3.10

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66872	01/25/2016	Internal Service Fund	Operations & Maintenance	ATWATER PRO GLASS		139.97
66872	01/25/2016	Internal Service Fund	Professional Services	ATWATER PRO GLASS		50.00
66873	01/25/2016	General Fund	Professional Services	BARTEL ASSOCIATES	Check Total:	189.97
66874	01/25/2016	Water Enterprise Fund	Professional Services	BC LABORATORIES INC.	Check Total:	3,000.00
66874	01/25/2016	DBCP Settlement	Water System Improvements	BC LABORATORIES INC.		3,384.00
66874	01/25/2016	DBCP Settlement	Water System Improvements	BC LABORATORIES INC.		16.00
66874	01/25/2016	DBCP Settlement	Water System Improvements	BC LABORATORIES INC.		16.00
66874	01/25/2016	DBCP Settlement	Water System Improvements	BC LABORATORIES INC.		16.00
66875	01/25/2016	General Fund	Girls Volleyball	NATALIE M. BENOY	Check Total:	3,432.00
66876	01/25/2016	Water Enterprise Fund	Special Departmental Expense	BORGES & MAHONEY CO.	Check Total:	171.00
66877	01/25/2016	Water Enterprise Fund	Special Departmental Expense	CHEM QUIP, INC.	Check Total:	128.39
66877	01/25/2016	Water Enterprise Fund	Special Departmental Expense	CHEM QUIP, INC.		-450.00
66877	01/25/2016	Water Enterprise Fund	Special Departmental Expense	CHEM QUIP, INC.		1,702.32
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C	Check Total:	1,959.19
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		176.00
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		188.50
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		115.00
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		165.00
66878	01/25/2016	Internal Service Fund	Special Departmental Expense	COLEMAN HEATING & A/C		218.50
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		574.47
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		85.00
66878	01/25/2016	Internal Service Fund	Professional Services	COLEMAN HEATING & A/C		150.00
66879	01/25/2016	Internal Service Fund	Communications	COMCAST CABLE	Check Total:	1,672.47
66880	01/25/2016	Sewer Enterprise Fund	Professional Services	COOPER CONTROLS	Check Total:	122.48
66880	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	COOPER CONTROLS		122.48
66880	01/25/2016	Sewer Enterprise Fund	Professional Services	COOPER CONTROLS		3,167.82
66880	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	COOPER CONTROLS		3,906.43
66880	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	COOPER CONTROLS	Check Total:	7,074.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66881	01/25/2016	General Fund	Memberships & Subscriptions	CPRS		185.00
66882	01/25/2016	Internal Service Fund	Operations & Maintenance	CUMMINS PACIFIC	Check Total:	185.00
66883	01/25/2016	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT	Check Total:	29.68
66883	01/25/2016	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		-72.10
66883	01/25/2016	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		103.00
66883	01/25/2016	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		686.00
66883	01/25/2016	General Fund	SB 1186 Fees-Business License	DIVISION OF THE STATE ARCHITECT		-480.20
66884	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	DOM'S ELECTRIC MOTOR SHOP	Check Total:	236.70
66885	01/25/2016	Price Annexation LMA	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE	Check Total:	21.45
66885	01/25/2016	Pajaro Dunes LMA	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE		250.75
66885	01/25/2016	Meadow View LNDSCP	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE		26.90
66885	01/25/2016	General Fund	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE		80.65
66885	01/25/2016	Stone Creek LNDSCP	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE		2,355.88
66885	01/25/2016	Gas Tax/Street Improvement	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE		53.95
66885	01/25/2016	Gas Tax/Street Improvement	Professional Services	ENVIRONMENTAL COMPLIANCE RESOURCE		35.48
66886	01/25/2016	General Fund	Girls Volleyball	ANDREW FARETTA	Check Total:	2,803.61
66887	01/25/2016	Internal Service Fund	Special Departmental Expense	FASTENAL COMPANY	Check Total:	36.00
66887	01/25/2016	Gas Tax/Street Improvement	Small Tools	FASTENAL COMPANY		23.49
66888	01/25/2016	General Fund	Community Center	GARY FRAGO	Check Total:	51.82
66889	01/25/2016	Gas Tax/Street Improvement	Professional Services	JLB TRAFFIC ENGINEERING, INC	Check Total:	75.31
66889	01/25/2016	Gas Tax/Street Improvement	Professional Services	JLB TRAFFIC ENGINEERING, INC		114.00
66890	01/25/2016	Internal Service Fund	Professional Services	JORGENSEN COMPANY	Check Total:	114.00
66890	01/25/2016	Internal Service Fund	Professional Services	JORGENSEN COMPANY		800.54
66891	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG'S SUPPLY	Check Total:	800.54
66891	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG'S SUPPLY		7.00
66891	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG'S SUPPLY		7.00
66891	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	KELLOGG'S SUPPLY		49.66

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66898	01/25/2016	Camellia Estates LD	Utilities	MERCED IRRIGATION DISTRICT		50.62
66898	01/25/2016	Camellia Meadows LD	Utilities	MERCED IRRIGATION DISTRICT		50.62
66898	01/25/2016	Water Enterprise Fund	Utilities	MERCED IRRIGATION DISTRICT		9.11
66898	01/25/2016	Applegate Ranch Landscp	Utilities	MERCED IRRIGATION DISTRICT		15.80
66898	01/25/2016	Stone Creek LNDSCP	Utilities	MERCED IRRIGATION DISTRICT		15.80
66898	01/25/2016	Gas Tax/Street Improvement	Utilities	MERCED IRRIGATION DISTRICT		339.44
66898	01/25/2016	Price Annexation LD	Utilities	MERCED IRRIGATION DISTRICT		151.85
66898	01/25/2016	General Fund	Utilities	MERCED IRRIGATION DISTRICT		778.55
66898	01/25/2016	Atwater South LD	Utilities	MERCED IRRIGATION DISTRICT		310.02
66898	01/25/2016	Bell Crossing LD	Utilities	MERCED IRRIGATION DISTRICT		248.21
66898	01/25/2016	Sewer Enterprise Fund	Utilities	MERCED IRRIGATION DISTRICT		209.13
66899	01/25/2016	General Fund	Special Departmental Expense	MERCED MEDICAL SUPPLY	Check Total:	7,511.23
66900	01/25/2016	General Fund	Professional Services	MUNICIPAL RESOURCE GROUP, LLC	Check Total:	24.00
66901	01/25/2016	General Fund	Professional Services	MUNISERVICES LLC	Check Total:	900.00
66901	01/25/2016	General Fund	Professional Services	MUNISERVICES LLC		900.00
66901	01/25/2016	General Fund	Professional Services	MUNISERVICES LLC		360.00
66901	01/25/2016	General Fund	Professional Services	MUNISERVICES LLC		407.57
66901	01/25/2016	General Fund	Professional Services	MUNISERVICES LLC		8,012.14
66902	01/25/2016	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS	Check Total:	8,779.71
66902	01/25/2016	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		35.26
66902	01/25/2016	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		335.23
66902	01/25/2016	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		-44.00
66902	01/25/2016	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		3.23
66902	01/25/2016	Internal Service Fund	Operations & Maintenance	O'REILLY AUTO PARTS		210.38
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC	Check Total:	540.10
66903	01/25/2016	Gas Tax/Street Improvement	Utilities	PACIFIC GAS & ELECTRIC		1,852.27
66903	01/25/2016	Internal Service Fund	Utilities	PACIFIC GAS & ELECTRIC		154.42
66903	01/25/2016	Sewer Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		917.65
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		34,399.60
66903	01/25/2016	Water Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		504.58
66903	01/25/2016	Sandlewood Square LD	Utilities	PACIFIC GAS & ELECTRIC		11,426.41
66903	01/25/2016	Orchard Park Estates LD	Utilities	PACIFIC GAS & ELECTRIC		67.17
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		282.89
66903	01/25/2016	Sierra Parks LD	Utilities	PACIFIC GAS & ELECTRIC		799.16
66903	01/25/2016	Woodhaven LD	Utilities	PACIFIC GAS & ELECTRIC		59.42
66903	01/25/2016	Woodhaven LD	Utilities	PACIFIC GAS & ELECTRIC		37.32

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		1,255.74
66903	01/25/2016	Internal Service Fund	Utilities	PACIFIC GAS & ELECTRIC		4,037.89
66903	01/25/2016	Gas Tax/Street Improvement	Utilities	PACIFIC GAS & ELECTRIC		192.11
66903	01/25/2016	Atwater South LD	Utilities	PACIFIC GAS & ELECTRIC		30.91
66903	01/25/2016	Shaffer Lakes East LD	Utilities	PACIFIC GAS & ELECTRIC		449.47
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		1,283.64
66903	01/25/2016	Woodview Garland LA	Utilities	PACIFIC GAS & ELECTRIC		37.32
66903	01/25/2016	Price Annexation LD	Utilities	PACIFIC GAS & ELECTRIC		1,385.83
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		19.42
66903	01/25/2016	Wildwood Estates LD	Utilities	PACIFIC GAS & ELECTRIC		108.71
66903	01/25/2016	Gas Tax/Street Improvement	Utilities	PACIFIC GAS & ELECTRIC		12,548.79
66903	01/25/2016	Water Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		39,227.32
66903	01/25/2016	Shaffer Lakes West LD	Utilities	PACIFIC GAS & ELECTRIC		130.49
66903	01/25/2016	Pajaro Dunes LD	Utilities	PACIFIC GAS & ELECTRIC		63.59
66903	01/25/2016	Sewer Enterprise Fund	Utilities	PACIFIC GAS & ELECTRIC		1,398.61
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		1,656.96
66903	01/25/2016	Airport Business Park LD	Utilities	PACIFIC GAS & ELECTRIC		894.32
66903	01/25/2016	Internal Service Fund	Utilities	PACIFIC GAS & ELECTRIC		944.94
66903	01/25/2016	Northwood Village LD	Utilities	PACIFIC GAS & ELECTRIC		382.11
66903	01/25/2016	Cottage Gardens LD	Utilities	PACIFIC GAS & ELECTRIC		28.21
66903	01/25/2016	General Fund	Utilities	PACIFIC GAS & ELECTRIC		46.42
66904	01/25/2016	General Fund	Professional Services	QUAD KNOPF	Check Total:	116,623.69
66905	01/25/2016	Water Enterprise Fund	Professional Services	QUICKPC SUPPORT	Check Total:	411.00
66905	01/25/2016	Information Technology Fund	Special Departmental Expense	QUICKPC SUPPORT		220.00
66905	01/25/2016	Information Technology Fund	Professional Services	QUICKPC SUPPORT		585.00
66906	01/25/2016	Water Enterprise Fund	Special Departmental Expense	R & B COMPANY	Check Total:	6,310.00
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY	Check Total:	3,547.71
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		365.93
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		185.92
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		14.86
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		365.93
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		545.94
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		365.93
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		14.86
66907	01/25/2016	General Fund	Rents & Leases	RAY MORGAN COMPANY		365.93
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		238.53

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66907	01/25/2016	Water Enterprise Fund	Operations & Maintenance	RAY MORGAN COMPANY		183.14
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		561.50
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		402.61
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		427.95
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		462.30
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		343.32
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		465.16
66907	01/25/2016	General Fund	Operations & Maintenance	RAY MORGAN COMPANY		346.12
66908	01/25/2016	RDVLPMT Obligation Retirement	Professional Services	ROSENOW SPEVACEK GROUP INC.	Check Total:	5,655.93
66909	01/25/2016	General Fund	Girls Volleyball	TERRY L. RUST	Check Total:	783.75
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL	Check Total:	68.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		28.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		25.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		38.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		25.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		31.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		33.00
66910	01/25/2016	Internal Service Fund	Professional Services	SAN JOAQUIN PEST CONTROL		18.00
66911	01/25/2016	Internal Service Fund	Operations & Maintenance	SAN JOAQUIN VALLEY AIR	Check Total:	198.00
66912	01/25/2016	Gas Tax/Street Improvement	Special Departmental Expense	SANTA FE AGGREGATES, INC.	Check Total:	72.00
66913	01/25/2016	Sewer Enterprise Fund	Professional Services	SHANNON PUMP CO.	Check Total:	164.88
66913	01/25/2016	Sewer Enterprise Fund	Professional Services	SHANNON PUMP CO.		164.88
66914	01/25/2016	Sewer Enterprise Fund	Utilities	SIEMENS FINANCIAL SERVICES, INC.	Check Total:	10,607.85
66915	01/25/2016	General Fund	Office Supplies	STAPLES BUSINESS ADVANTAGE	Check Total:	10,787.52
66915	01/25/2016	General Fund	Office Supplies	STAPLES BUSINESS ADVANTAGE		10,787.52
66915	01/25/2016	General Fund	Office Supplies	STAPLES BUSINESS ADVANTAGE		71.32
66915	01/25/2016	General Fund	Office Supplies	STAPLES BUSINESS ADVANTAGE	Check Total:	71.32

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66916	01/25/2016	General Fund	Other Revenue	MIKE TEATER		651.64
66917	01/25/2016	Internal Service Fund	Operations & Maintenance	TESEL PETROLEUM, INC.	Check Total:	651.64
66917	01/25/2016	Internal Service Fund	Operations & Maintenance	TESEL PETROLEUM, INC.		1,883.85
						5,797.85
66918	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	THE UPS STORE	Check Total:	7,681.70
						81.71
66919	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	TRACTOR SUPPLY CREDIT PLAN	Check Total:	81.71
66919	01/25/2016	General Fund	Uniform & Clothing Expense	TRACTOR SUPPLY CREDIT PLAN		7.01
						97.18
66920	01/25/2016	Internal Service Fund	Special Departmental Expense	UNIFIRST CORPORATION	Check Total:	104.19
66920	01/25/2016	Internal Service Fund	Uniform & Clothing Expense	UNIFIRST CORPORATION		76.48
66920	01/25/2016	Gas Tax/Street Improvement	Uniform & Clothing Expense	UNIFIRST CORPORATION		33.50
66920	01/25/2016	Internal Service Fund	Uniform & Clothing Expense	UNIFIRST CORPORATION		273.05
66920	01/25/2016	Sewer Enterprise Fund	Uniform & Clothing Expense	UNIFIRST CORPORATION		40.55
66920	01/25/2016	Water Enterprise Fund	Uniform & Clothing Expense	UNIFIRST CORPORATION		244.97
66920	01/25/2016	Sanitation Enterprise	Uniform & Clothing Expense	UNIFIRST CORPORATION		139.50
						49.55
66921	01/25/2016	Sewer Enterprise Fund	Special Departmental Expense	UNITED CIRCUIT BREAKERS INC.	Check Total:	857.60
						317.49
66922	01/25/2016	Risk Management Fund	Life Insurance	UNUM LIFE INSURANCE	Check Total:	317.49
66922	01/25/2016	Risk Management Fund	Disability Insurance	UNUM LIFE INSURANCE		1,109.94
66922	01/25/2016	Risk Management Fund	Disability Insurance	UNUM LIFE INSURANCE		571.02
						2,484.99
66923	01/25/2016	Water Enterprise Fund	Professional Services	VALLEY UTILITIE CONSTRUCTION, INC.	Check Total:	4,165.95
						1,800.00
66924	01/25/2016	Sewer Enterprise Fund	Professional Services	VEOLIA WATER NORTH AMERICA OPERATING	Check Total:	1,800.00
						148,046.02
66925	01/25/2016	Internal Service Fund	Special Departmental Expense	WARD ENTERPRISES	Check Total:	148,046.02
66925	01/25/2016	Internal Service Fund	Special Departmental Expense	WARD ENTERPRISES		38.20
						37.17
					Check Total:	75.37

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
66926	01/25/2016	Internal Service Fund	Utilities	WEST COAST GAS CO. INC.		21.62
66927	01/25/2016	Sewer Fund Capital Replacement	Wastewater Trmnt Pit Exp	WEST YOST & ASSOCIATES	Check Total:	21.62
66928	01/25/2016	Internal Service Fund	Special Departmental Expense	WINTON HARDWARE	Check Total:	4,100.08
66928	01/25/2016	Internal Service Fund	Special Departmental Expense	WINTON HARDWARE		32.17
					Check Total:	22.97
					Check Total:	55.14
					Report Total:	380,617.03



CITY OF ATWATER

SPECIAL MEETING CITY COUNCIL

ACTION MINUTES

January 11, 2016

CALL TO ORDER:

The City Council of the City of Atwater met in Special Session this date at 4:30 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Mayor Price.

ROLL CALL:

Present: City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman, Mayor Price

Absent: None

Staff Present: City Manager/Police Chief Pietro, City Attorney Terpstra, City Clerk Del Real, Recording Secretary Bengtson-Jennings

PUBLIC COMMENT:

Notice to the public was read.

No one came forward to speak at this time.

COMMISSIONER MEMBER INTERVIEWS:

Interviews for one (1) scheduled vacancy on the City of Atwater Community Development and Resources Commission, for the term of four (4) years, term ending December, 2019

The City Council interviewed William (Bill) Barkman and incumbent Mary J. McWatters.

COMMISSIONER MEMBER APPOINTMENT:

Appointment of one (1) Commissioner Member to the scheduled vacancy on the City of Atwater Community Development and Resources Commission, for the term of four (4) years, term ending December, 2019

Ballots were collected and the vote was:

<i>City Council Member Vineyard:</i>	<i>William (Bill) Barkman</i>
<i>City Council Member Raymond:</i>	<i>Mary J. McWatters</i>
<i>Mayor Pro Tem Bergman:</i>	<i>Mary J. McWatters</i>
<i>City Council Member Rivero:</i>	<i>Mary J. McWatters</i>
<i>Mayor Price:</i>	<i>Mary J. McWatters</i>

MOTION: City Council Member Rivero moved to appoint incumbent Mary J. McWatters to the City of Atwater Community Development and Resources Commission, term ending December, 2019. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Bergman, Vineyard, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.

CLOSED SESSION: (Conference Room A)

Mayor Price adjourned the special meeting to Conference Room A for Closed Session at 4:58 PM. Closed Session was called to order at 5:10 PM.

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

Property Location: APN 005-070-032

ADJOURNMENT:

Closed Session adjourned at 5:40 PM.

JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings
Recording Secretary



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

January 11, 2016

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater 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 Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Price.

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

ROLL CALL:

Present: *City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman, Mayor Price*

Absent: *None*

Staff Present: *City Manager/Police Chief Pietro, City Attorney Terpstra, CAL FIRE Battalion Chief Pimentel, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, Recreation Supervisor Barton, Finance Director Deol, City Clerk/Human Resources Director Del Real, Recording Secretary Bengtson-Jennings*

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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

City Attorney Terpstra stated that he advised the City Council of a change to agenda item #12 under Public Hearings, "Waiving the first reading and introducing Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 to the Atwater Municipal Code imposing an express ban on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City," in which all references to "cultivation" will be removed; the change will be discussed further when the item is presented.

SUBSEQUENT NEED ITEMS: None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Clerk Del Real announced a request from staff to move agenda item #15 under Reports and Presentations from Staff, "Restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans" to be considered after the consent calendar.

MOTION: Mayor Price moved to approve the agenda as amended. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Bergman, Vineyard, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel introduced CAL FIRE Battalion Chief Rahn who spoke regarding the County's emergency water program. Battalion Chief Rahn stated that 20,000 gallons of water a week is needed to serve residents in the 95301 zip code area who are participating in the program and that Castle's water system may be a viable water source.

Merced County District 3 Supervisor McDaniel reported on several items:

- 1) Castle Commerce Center - He announced that two more businesses may relocate to Castle Commerce Center and that several new businesses are considering the purchase of additional property for expansion.**
- 2) Merced County Sheriff's Office - He congratulated Merced County Sheriff Vern Warnke for the hiring of 17 new staff members who were recently sworn into office.**
- 3) Welcome Home Heros - He announced that a special event to benefit the Welcome Home Heros program participants will take place Saturday, May 14, 2016 at Castle from 10:00 AM – 4:00 PM. Welcome Home Heros is a non-profit organization that assists veterans who are newly released from military service and who may not have family nearby in which to rely upon. The event will consist of a motorcycle run, an antique fly in, a concert, and a job fair. The free event is open to all community members.**

Verbal report regarding the City's ongoing regulatory compliance activities (Kathryn Gies, West Yost Associates Engineering Manager)

Kathryn Gies, West Yost Associates Engineering Manager, provided a verbal report regarding the City's ongoing regulatory compliance activities at several locations: the Bert Crane Regional Wastewater Treatment Plant, the Bert Crane Landfill (a site abandoned in the 1970s), and the old wastewater treatment plant site.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

No one came forward to speak.

CONSENT CALENDAR:

Agenda item #8 under Informational Items Only (No Action Required), "Police Department activities and projects for the month of December, 2015, was removed from the consent calendar for separate discussion.

Agenda item #10 under Informational Items Only (No Action Required), "Fire Department activities and projects for the month of December, 2015, was removed from the consent calendar for separate discussion.

MOTION: *City Council Member Vineyard moved to approve the consent calendar as amended. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Rivero, Raymond, Vineyard, Bergman, Price; Noes: None; Absent: None. The motion carried.*

WARRANTS:

2. a) December 28, 2015
b) January 11, 2016

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

3. Regular meeting, December 14, 2015

ACTION: *Approval of minutes as listed.*

MINUTES: (Commissions)

4. Community Development and Resources, November 18, 2015

ACTION: Acceptance of minutes as listed.

REPORTS:

5. Monthly review of local drought emergency (City Attorney Terpstra)

ACTION: Reaffirms the facts and findings in Resolution No. 2823-15 declaring the existence of a local drought emergency.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. Waiving the second reading and adopting Ordinance No. CS 971 amending Title 5 "Business Taxes, Licenses, and Regulations," to add Chapter 5.62 "Donation Bins" to the Atwater Municipal Code (City Attorney Terpstra)

ACTION: Waives the second reading and adopts Ordinance No. CS 971 amending Title 5 "Business Taxes, Licenses, and Regulations," to add Chapter 5.62 "Donation Bins" to the Atwater Municipal Code.

AGREEMENTS:

7. Approving agreement with Atwater Little League for improvement and usage of Osborn Park Fields (Recreation Supervisor Barton)

ACTION: Approval of agreement between the City of Atwater and the Atwater Little League for the improvement and usage of Michael Freddy Raymond Field, Darren Herschler Field, Osborn Field, Miyake Field, and the T-Ball field located within Osborn Park, and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

8. Police Department activities and projects for the month of December, 2015 (Police Lieutenant Joseph)

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

9. Police Volunteer activities for the month of December, 2015 (Police Volunteer Vineyard)

10. Fire Department activities and projects for the month of December, 2015 (CAL FIRE Battalion Chief Pimentel)

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

11. Public Works Department activities and projects for the month of December, 2015 (Interim Public Works Director Faretta)

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Police Department activities and projects for the month of December, 2015 (Police Lieutenant Joseph)

Police Lieutenant Joseph reported on Police Department activities and projects for the month of December, 2015. He provided a year-end recap of services provided by Police Department personnel for 2015 (January 1 – December 31) as well.

Fire Department activities and projects for the month of December, 2015 (CAL FIRE Battalion Chief Pimentel)

CAL FIRE Battalion Chief Pimentel reported on Fire Department activities and projects for the month of December, 2015. He reminded citizens to service their HVAC systems and furnaces to ensure effective monitoring of carbon monoxide in households.

REPORTS AND PRESENTATIONS FROM STAFF:

Restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans (Finance Director Deol)

Eric Scriven, Principal, NHA Advisors, LLC, spoke regarding restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans, presenting three options for City Council consideration.

Financial Consultant Zenoni, provided further information concerning the City's financial situation and the need to restructure CalPERS Side Funds.

MOTION: Mayor Pro Tem Bergman moved to select Option 1B - 7 Year Average Life (Pay-Off 100% of Both Miscellaneous and Safety Plans) as the preferred restructure for refinancing CalPERS Side Fund obligations; and to authorize the release of a Request for Proposal to solicit a Bond Counselor to negotiate with potential financial institutions and to prepare associated legal documents to facilitate the transaction. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Vineyard, Bergman, Price; Noes: Rivero, Raymond; Absent: None. The motion carried.

Mayor Price called a recess at 7:38 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 7:49 PM.

PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 to the Atwater Municipal Code imposing an express ban on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City (City Attorney Terpstra)

City Attorney Terpstra announced a change to the proposed ordinance, to delete any reference to "cultivation." The City previously banned marijuana cultivation by resolution, and the Atwater Municipal Code incorporates such.

Mayor Pro Tem Bergman asked that a future regular City Council meeting agenda include a presentation by Merced County Police Sergeant Framstad in regard to what is being sold in smoke shops in Atwater.

Merced County Police Sergeant Framstad provided a verbal report and PowerPoint presentation concerning the dangers and problems associated with the use of marijuana in the County.

Mayor Price opened the public hearing for this item.

GARRETT MAYER, Atwater, spoke against the proposed ordinance citing his medical condition that is "controlled" with smoking marijuana. He stated that the proposed ordinance, if adopted, will force him and others to obtain the drug illegally.

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

City Council Member Rivero asked that a future regular City Council meeting agenda include revisiting Resolution No. 2868-15 prohibiting cultivation of marijuana in the City of Atwater so that truly sick individuals are allowed to grow the plants indoors.

MOTION: Mayor Pro Tem Bergman moved to waive the first reading and introduce Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 "Medical Marijuana" to the Atwater Municipal Code as amended, with the removal of "cultivation." The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Raymond, Vineyard, Bergman, Rivero, Price; Noes: None; Absent: None. The motion carried.

CITY MANAGER REPORTS:

Verbal update regarding the "In God We Trust" sign in front of City Hall

City Manager Pietro reported that the City has approximately \$800 in donation money left to cover the cost of the outdoor sign, and sample designs were presented and discussed.

MIKE MERONEY, Atwater, stated that he would submit possible sign specifications for City Council consideration by the end of the week.

By consensus, this item was continued to the next regular City Council meeting agenda of January 25, 2016 to allow for additional public input.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal report regarding Traffic and Pedestrian Safety List Prioritization (Community Development Director McBride)

Community Development Director McBride provided a verbal report regarding Traffic and Pedestrian Safety List Prioritization, with the focus on projects that require City Council consideration in the near future.

By consensus, this item was continued to the next regular City Council meeting agenda of January 25, 2016 to allow the City Council additional time to review the list in order to provide direction on priority locations.

CITY COUNCIL MATTERS:

Discussion and possible action to consider placement of "In God We Trust" on the City Water Tower

City Manager Pietro reported that lead paint on the water tower would have to be removed prior to the placement of a sign, and the cost is exorbitant.

By consensus, no action was taken on this item and the item was tabled indefinitely.

Discussion and possible action regarding revisiting one City Council meeting a month

City Attorney Terpstra clarified that an item can be brought back for City Council consideration any time there is a change in circumstances.

MOTION: City Council Member Vineyard moved to move to one City Council meeting a month with the option of holding a second meeting if needed. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Bergman, Vineyard; Noes: Raymond, Rivero, Price; Absent: None. The motion was rejected.

Approval of Annual 2016 Regular Meeting Schedule Calendar

MOTION: Mayor Pro Tem Bergman moved to approve the 2016 Regular Meeting Schedule Calendar as amended, to delete Audit and Finance Committee meetings in November and December; when regular meetings are cancelled, to authorize

the Mayor and City Manager to sign any documents required to maintain essential City Services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Vineyard, Rivero, Bergman, Raymond, Price; Noes: None; Absent: None. The motion carried.

City Council comments and requests for future agenda items

City Council Member Vineyard asked that City Attorney Terpstra review Resolution No. 2868-15 regarding indoor marijuana cultivation and how it affects Proposition 215 recipients. He announced that the Miss Atwater pageant will take place Saturday, January 16, 2016 at Buhach Colony High School at 7:00 PM. He asked community members to submit ideas for promoting Atwater to the Atwater Chamber of Commerce in the hopes of bringing new businesses to the City.

City Council Member Raymond had nothing to report.

City Council Member Rivero congratulated the St. Anthony's boys' basketball team for winning their tournament in Livingston; they beat an undefeated team. He asked that staff "take a serious look" at the City's professional services contracts before the next budget workshops.

Mayor Pro Tem Bergman wished everyone a happy, joyful, and prosperous New Year.

Mayor Price wished everyone a Happy 2016. He asked citizens to work with City staff in regard to clearing leaves and debris from storm drains in front of their homes due to the predicted rains. He reminded the community to continue to conserve water; the County is still in the middle of a drought and recent rains seem to have brought a false sense of security. It will take many years to recover. He asked Community Development Director McBride to provide a brief update regarding the proposed hotel/gas station project.

Community Development Director McBride provided an update regarding the hotel/gas station project; no permits have been issued to date.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned in memory of Richard Trindade and Bill Blake.

The meeting adjourned at 9:16 PM.

JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary



CITY COUNCIL OF THE CITY OF ATWATER

ORDINANCE NO. CS 969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATWATER, AMENDING TITLE 8 "HEALTH AND SAFETY" TO ADD CHAPTER 8.50 TO THE ATWATER MUNICIPAL CODE IMPOSING AN EXPRESS BAN ON MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 *et seq.* and entitled "The Compassionate Use Act of 1996" referred to herein as the "CUA");

WHEREAS, the intent of the CUA was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law once a physician has deemed the use beneficial to a patient's health;

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 *et seq.*, which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code;

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction;

WHEREAS, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, et al., holding that cities have the authority to ban medical marijuana land uses;

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 *et seq.*, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need;

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" (" Act"), which is comprised of the state legislative bills known as AB 243, AB 266, and SB 643, into law;

WHEREAS, the Act becomes effective January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients. The Act also contains new statutory provisions that:

- Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4));
- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a));
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)); and
- Require a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business & Professions Code § 19340(a));

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests;

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors;

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City of Atwater ("City");

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery;

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants;

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime;

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of processing and distribution activities;

WHEREAS, The City Council is vested with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, Pursuant to the principles of permissive zoning, the City adopted Resolution No. 2868-15 affirming the prohibition of cultivation of marijuana in the City of Atwater. In addition, existing Atwater Municipal Code Chapter 5.60 prohibits the outdoor cultivation of marijuana.

WHEREAS, prior to the effective date of this ordinance, the cultivation, processing and distribution of medical marijuana is prohibited in the City to the extent such activities are prohibited by the Federal Controlled Substances Act or other law;

WHEREAS, based on the findings above, the potential establishment of indoor cultivation, processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities as described above;

WHEREAS, the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for indoor or outdoor marijuana cultivation, processing, delivery, and/or distribution will result in the aforementioned threat to public health, safety, and welfare; and

WHEREAS, it is in the interest of the City, its residents, and its lawfully permitted businesses that City adopts this ordinance to expressly prohibit the establishment and operation of marijuana cultivation (whether indoor or outdoor), processing, delivery, and dispensary activities as well as the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity, except where the City is preempted by federal or state law from enacting a prohibition on any such

activity or a prohibition on the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity.

NOW, THEREFORE, the City Council of the City of Atwater does hereby ordain:

SECTION 1: The City Council of the City of Atwater hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

SECTION 2: The City Council hereby adds Chapter 8.50 entitled "Medical Marijuana" to the City of Atwater Municipal Code to read as follows:

8.50.010 Legislative Findings and Statement of Purpose.

- A. The City Council finds that the prohibitions on indoor and outdoor marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council in its Charter and state law.
- B. On October 9, 2015, the governor signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law. The Act becomes effective January 1, 2016 and contains new statutory provisions that:
1. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4));
 2. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a));
 3. Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)); and
 4. Require a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m) of the Act, from operating within the local government's

boundaries to enact an ordinance affirmatively banning such delivery activity (Business & Professions Code § 19340(a)).

- C. The City Council finds that this chapter: (1) expresses its intent to prohibit the indoor and outdoor cultivation of marijuana in the City and to not administer a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana in the City; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community; and (4) expressly prohibits the delivery of marijuana in the City.

8.50.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Marijuana" means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
- B. "Marijuana Cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana, whether such activities take place indoors or outdoors.
- C. "Marijuana Processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
- D. "Marijuana Dispensary" or "Marijuana Dispensaries" means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business & Professions Code section 19300.5(m) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008

Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

- E. "Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

8.50.040 Prohibited Activities.

Marijuana cultivation (whether it occurs indoors or outdoors), marijuana processing, marijuana delivery, and marijuana dispensaries shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a marijuana dispensary in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

8.50.050 Public Nuisance.

Any violation of this chapter is hereby declared to be a public nuisance.

8.50.060 Violations.

Any violation of this chapter shall be punishable as a misdemeanor. In the alternative, and in the discretion of the Chief of Police, a violation of this chapter may be prosecuted as an infraction punishable pursuant to the provisions of Section 1.01.110 of this Code. In addition, the City may abate any public nuisance associated with any violation of this chapter using the abatement procedures set forth in Chapter 8.32.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection,

sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared, invalid or unconstitutional.

SECTION 4: The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 5: SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 6: EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days after the date of its passage and the City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in the Merced Sun Star within fifteen (15) days from the adoption hereof.

INTRODUCED: January 11, 2016

ADOPTED:

AYES:

NOES:

ABSENT:

APPROVED:

JAMES E. PRICE, MAYOR

ATTEST:

**JEANNA DEL REAL, CMC
CITY CLERK**

January 14, 2016

Honorable Mayor and Members
of the Atwater City Council

City Council Meeting
of January 25, 2016

**AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT
WITH EMC PLANNING GROUP INC. FOR FERRARI RANCH EIR AND
CEQA SERVICES**

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving Amendment No. 5 to the Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and EMC Planning Group Inc. for the Ferrari Ranch EIR and CEQA Services; and
2. Authorizing and directing the City Manager to execute the Amendment on the behalf of the City.

BACKGROUND:

In August 2013 the City Council authorized the issuance of a request for qualifications (RFQ) for environmental consultants to perform work related to the project in accordance with the State's California Environmental Quality Act (CEQA) including the preparation of an Environmental Impact Report (EIR) for the Ferrari Ranch Project. On March 10, 2014 authority was granted by the City Council to execute a contract for professional services with EMC Planning Group Inc., the original approval for services was for \$489,666.10. Since that time they along with city staff and the Ferrari Ranch team have been working on the project land use assumptions, project description, traffic modeling, water supply assessment, and many other portions that are needed.

In October 2014 an amendment was authorized to address additional time that was outside the original scope of work and to handle the preparation of Project Description. It also included sub consulting work for an energy assessment which became a more important consideration in CEQA Documents due to recent case law. The first amendment increased the project budget by \$21,805. A second contract amendment was approved on April 13, 2015. The additional work covered the preparation of the Local Agency Formation Commission (LAFCO) applications as well as additional biological surveys for plant species. The additional cost for these services was \$22,635. A third contract amendment was approved in May 2015 to address changes in the project primarily due to the inclusion of the Valley Neighborhood. The additional cost was \$31,618. Amendment No. 4, in the amount of \$53,910, was approved in December 2015 to provide for additional biological survey and mitigation measures specific to the San Joaquin Kit Fox as well as additional traffic mitigation analysis. The City and John Ferrari have an executed reimbursement agreement covering costs.

ANALYSIS

The proposed amendment, #5 in the amount of \$14,990, is intended to cover additional costs associated with the preparation of a Screen Check version for review, additional analysis of Green House Gas (GHG) impacts and mitigation measures, and review of climate change analysis as a result of a California Supreme Court case decision. All proposed items have been reviewed and are acceptable to the Ferrari Ranch Team.

There are still many remaining portions of the project which are being addressed concurrently. The environmental - CEAQ work is wrapping up and the Draft EIR is expected to be issued to the public for review and comments within the next 45 to 60 days. After the document has been posted at the State Clearinghouse and made available for public review the environmental consultant, City, and applicant must review the comments and respond to them before a final EIR is published. The remaining discretionary approvals – entitlements which the City is responsible for will be completed in Spring or Early Summer 2016. They will be reviewed concurrently with the Final EIR document. Those include items such as approval of the Annexation, Pre-Zoning, General Plan Amendment, Subdivision Map, Planned Development Master Plan, and the EIR. The Housing Element of the General Plan is also being worked on concurrently. Following those approvals the project still requires approval by the Local Agency Formation Commission (LAFCO) for the annexation of the area into the city. That process will take several additional months but may be completed by late Fall 2016.

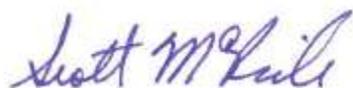
FISCAL IMPACT:

None, the City and John Ferrari have an executed Reimbursement Agreement for professional services including CEQA work and the preparation of an EIR. A separate fund has been created in the City's Finance System, Fund 0005 – Ferrari Ranch Reimbursement Fund, specific for all costs associated with the project. The additional costs associated with this amendment are to be \$14,990.

CONCLUSION:

This staff report is submitted for City Council consideration and possible action.

Respectfully submitted,



Scott McBride
Community Development Director



Planning for Success.

December 16, 2015

Scott McBride, Director
City of Atwater Community Development Department
750 Bellevue Road
Atwater, CA 95301

Re: Contract Amendment #5 – Second Screencheck DEIR and Additional Analysis

Dear Scott:

This letter represents a request for approval of contract amendment #5. It includes costs to prepare a second screencheck DEIR, including an expanded GHG analysis.

A screencheck DEIR was prepared and delivered to the City on November 10, 2015. It included edits made to the ADEIR based on comments from City staff and on comments contained in a series of memos prepared by the applicant's representative and applicant's legal counsel. After the screencheck DEIR was prepared, the applicant team recognized that not all of its comments on the ADEIR had been delivered to EMC Planning Group and a number of the initial comments had not been clarified. Thus, the screencheck DEIR did not reflect all of the applicant team's recommended changes. This necessitates coordination and management time to reconcile applicant team comments, time to revise the first screencheck DEIR to address the balance of the comments, and time to coordinate and produce a second screencheck draft EIR. Our approved scope of work includes time and cost to prepare only one screencheck DEIR.

Based on the California Supreme Court's recent Newhall case decision, the applicant team has requested revision of the climate change analysis included in the initial screencheck DEIR. Time for the revisions is included in this contract amendment.

It is assumed that the applicant team will request to review the second screencheck DEIR, and that a second, but more nominal set of comments will be submitted with further revisions required. Additional document coordination and production time would then be needed to prepare a public review DEIR. A projection of additional cost is included in

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

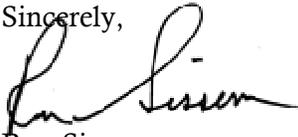
301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

anticipation of this process. If anticipated costs are exceeded, the overage may need to be captured in a future contract amendment.

The attached contract amendment #5 budget shows the costs included in this contract amendment.

If you have any questions, please do not hesitate to ask.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sissem". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke.

Ron Sissem
Principal Planner

Ferrari Ranch CEQA Services - Contract Amendment #5 Budget							
Task	EMC Planning Group Inc.						
Staff	Sr. Principal	Principal Planner	Graphics	Admin/Production	Total Hours	Total Cost	
Billing Rate (Per Hour)	\$205.00	\$185.00	\$105.00	\$95.00			
Management/Coordination	0	4	0	0	4	\$740.00	
Second Scrchk DEIR Edits/GHG Analysis	1	46	0	0	47	\$8,715.00	
Second Scrchk DEIR Coord/Production	1	4	0	6	11	\$1,515.00	
Final Scrchk DEIR Edits	0	20	2	0	22	\$3,910.00	
Subtotal (Hours)	2	74	2	6	Total Hours	Total Cost	
Subtotal (Cost)	\$410.00	\$13,690.00	\$210.00	\$570.00	84	\$14,880.00	

Additional Costs	
Production Costs	\$100.00
Travel Costs	\$0.00
Postal/Deliverables	\$0.00
Miscellaneous	\$0.00
Administrative Overhead 10%	\$10.00
Total	\$110.00

Subconsultant Fees	
NA	\$0.00
Subconsultant Overhead 10%	\$0.00
Total	\$0.00

Total Costs	\$14,990.00
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January 14, 2016

Honorable Mayor and Members
of the Atwater City Council

City Council Meeting
of January 25, 2016

2015 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

RECOMMENDATION:

It is recommended that the City Council consider:

- Adopting Resolution No. 2872-16 authorizing submittal of an application to the United States Department of Homeland Security for the 2015 Assistance to Firefighters Grant Program (AFG) and authorizing and directing the City Manager, or his designee, to execute the grant applications on behalf of the City.

BACKGROUND:

Assistance to Firefighters Grants (AFG) provides financial assistance directly to the fire departments and nonaffiliated EMS organizations to enhance their capabilities with respect to fire and fire-related hazards. AFG seeks to support organizations that lack the tools and resources necessary to more effectively protect the health and safety of the public and their emergency response personnel with respect to fire and all other hazards.

The authority for AFG is derived from the Federal Fire Protection and Control Act of 1974 (15 U.S.C. §§ 2229 et seq.), as amended. Congress appropriated a total of \$335 million for the FY 2015 AFG (Public Law 110-329). AFG seeks to support organizations that lack the tools and resources necessary to more effectively protect the life and safety of the public and their emergency response personnel with respect to fire and all other hazards.

ANALYSIS:

Staff has identified a need for Structural Personal Protective Equipment for our 20 reserve firefighters, and two (2) Thermal Imaging Cameras, one for each truck. Application submittals were due January 15, 2016. We are requesting authorization to apply for the items identified, in an amount not to exceed \$72,786. Should the City receive an award, our local cash match responsibility would be 10% of the awarded amount.

Staff is applying for funding to support the purchase of Structural Fire PPE for 20 Reserve Firefighters. This will include NFPA compliant structural pants, coats, Nomex hoods, helmets, boots and gloves. The new PPE's will replace old and obsolete structural PPE's. The reserve firefighters work 36 hours per month at one of the two fire stations, assisting paid staff. We are also requesting funding for two (2) NFPA compliant Thermal Imaging Cameras. A thermal imaging camera is a vital tool that

helps quickly visualize a plan of attack, locate hot spots and find victims faster and thereby saving lives. Ideally every engine and truck should have at least one TIC, the city is requesting funding for two (2), one for each station.

FISCAL IMPACT:

AFG grants require a 10% match for populations between 20,001 and 50,000. If awarded, our local cash match share would be no more than \$7,278. If awarded, staff will return to City Council for authorization to accept the grant and to authorize appropriation of funds for this purpose.

CONCLUSION:

This staff report is submitted for City Council consideration and possible action.

Respectfully submitted,

/s/ Mark Pimentel

Mark Pimentel
CAL FIRE Battalion Chief

MP/lw



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 2872-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATWATER AUTHORIZING SUBMITTAL OF AN
APPLICATION TO THE UNITED STATES DEPARTMENT OF
HOMELAND SECURITY FOR 2015 ASSISTANCE TO
FIREFIGHTERS GRANT (AFG) PROGRAM**

WHEREAS, the Department of Homeland Security annually funds the Assistance to Firefighters Grants (AFG) to provide financial assistance directly to fire departments and nonaffiliated EMS organizations to enhance their capabilities with respect to fire and fire-related hazards; and

WHEREAS, the City of Atwater's Fire Department has identified a critical need that falls under the Assistance to Firefighters Grant priorities; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atwater does hereby authorize the submission of a grant application for the 2015 Assistance to Firefighters Grant for an amount not to exceed \$72,786 inclusive.

BE IT FURTHER RESOLVED that the City Council of the City of Atwater does hereby authorize and direct the City Manager, or his designee, to sign the applications on behalf of the City.

The foregoing resolution is hereby adopted this 25th day of January, 2016.

AYES:

NOES:

ABSENT:

APPROVED:

JAMES E. PRICE, MAYOR

ATTEST:

**JEANNA DEL REAL, CMC
CITY CLERK**

STATEMENT OF CHANGES IN CASH BALANCE, UNAUDITED
BY FUND
AS OF 11/30/15

FUND	BEG. BALANCE	CASH DEBITS	CASH CREDITS	ENDING BAL.
0001 General Fund	(4,514,409.23)	761,440.24	873,438.81	(4,626,407.80)
0003 General Fund Capital	(2,486.97)	0.00	3,127.99	(5,614.96)
0004 Measure H Fund	992,562.81	152,200.00	146,155.19	998,607.62
0005 Ferrari Ranch Project Fund	(93,452.89)	0.00	6,158.47	(99,611.36)
1005 Police Grants Fund	53,337.42	11,361.62	27,813.51	36,885.53
1011 Gas Tax/Street Improvement	1,906,604.74	0.00	67,039.10	1,839,565.64
1013 Local Transportation Fund	18,731.36	1,489.88	0.00	20,221.24
1015 Traffic Circulation Fund	858,660.58	5,942.20	0.00	864,602.78
1016 Applegate Interchange	722,736.83	0.00	0.00	722,736.83
1020 Parks and Recreation Fund	1,559,193.29	12,235.90	0.00	1,571,429.19
1050 Buhach Colony High School	221,278.93	0.00	0.00	221,278.93
1055 Neighborhood Stabilization	161,583.60	0.00	0.00	161,583.60
1059-78 Housing Grant Funds	213,461.73	0.00	0.00	213,461.73
1091 Police Facility Impact Fee	29,535.47	2,078.72	0.00	31,614.19
1093 Fire Facility Impact Fee	31,844.12	2,695.56	0.00	34,539.68
1095 Government Building Facility	90,305.05	1,963.43	0.00	92,268.48
3064-67 Redevelopment/Successor Agency Funds	634,527.94	206,667.51	434,981.94	406,213.51
4000 Bloss Estate Trust Fund	(2,376.94)	46.88	0.00	(2,330.06)
4020 Performance Bond Trust	216,580.64	0.00	0.00	216,580.64
4030 Narcotics Program Trust	5,260.21	0.00	0.00	5,260.21
4040 Unclaimed Property Trust	893.24	0.00	0.00	893.24
4050 Employment Event Trust	369.56	0.00	0.00	369.56
4060 Section 125 Medical	1,256.70	175.66	0.00	1,432.36
4070 Section 125 Dependent Care	(1,337.62)	316.80	141.27	(1,162.09)
4090 CFD No. 1 Trust	48,457.21	0.00	0.00	48,457.21
4099 General Fund Fee Waiver	697.66	0.00	0.00	697.66
5000-54 All Maintenance Districts	1,383,763.19	0.00	8,220.92	1,375,542.27
5050 CFD Districts	(286,728.96)	110,827.88	10,931.98	(186,833.06)
6000 Water Enterprise Fund	(8,726,432.06)	265,380.80	103,309.47	(8,564,360.73)
6001 Water Fund Capital Replacement	8,123,761.72	0.00	0.00	8,123,761.72

STATEMENT OF CHANGES IN CASH BALANCE, UNAUDITED
BY FUND
AS OF 11/30/15

FUND	BEG. BALANCE	CASH DEBITS	CASH CREDITS	ENDING BAL.
6002 DBCP Settlement	666,222.79	0.00	112.00	666,110.79
6004 Water Well- Buhach Colony	140,867.08	1,549.44	0.00	142,416.52
6005 Water Capital Impact Fees	927,847.19	16,047.53	0.00	943,894.72
6006 Water Operating Reserve Fund	172,340.62	0.00	0.00	172,340.62
6010 Sewer Enterprise Fund	2,893,066.64	801,647.78	256,920.99	3,437,793.43
6011 Sewer Fund Capital Replacement	1,941,912.44	21,117.28	8,172.07	1,954,857.65
6020 Sanitation Enterprise	475,983.18	260,235.91	203,934.18	532,284.91
7000 Internal Service Fund	506,505.54	0.00	47,173.27	459,332.27
7010 Employee Benefits Fund	648,349.24	1,123.00	56,163.99	593,308.25
7020 Risk Management	399,812.24	203.10	30,404.75	369,610.59
7030 Information Technology	(7,023.41)	0.00	12,639.04	(19,662.45)
9050 General Fund Asset Group	0.00	0.00	0.00	0.00
9090 Accrued Interest Fund	15,067.14	18.67	0.00	15,085.81
TOTAL	12,429,130.02	2,636,765.79	2,296,838.94	12,769,056.87

Prepared by: Patricia Tejada
 Patricia Tejada, Accountant II

Approved by: Jim Heller
 Jim Heller, City Treasurer

**Statement of Changes in Cash Balance
by Bank
As of 11/30/15**

	Beg. Period Balance	Cash Debits	Cash Credits	End Period Balance
City - LAIF	3,386,471.94			3,386,471.94
City Checking & Investment Accounts	6,526,276.66	2,636,743.18	2,091,490.81	7,071,529.03
RA Obligation Retirement Fund	205,369.57	3.94	205,348.13	25.38
City - RMA Long-Term Investment Fund	1,029,953.00			1,029,953.00
Wells Fargo Mutual Fund	1,230,719.99	10.12		1,230,730.11
Rabobank - Money Market	50,338.86	8.55		50,347.41
Totals	<u>12,429,130.02</u>	<u>2,636,765.79</u>	<u>2,296,838.94</u>	<u>12,769,056.87</u>

Prepared by: Patricia Tejada
Patricia Tejada, Accountant II

Approved by: Jim Heller
Jim Heller, City Treasurer

(The following statements are required by California Govt. Code Section 53646 (b) (2,3))

Investments are made pursuant to the City Council approved Investment Policy and Guidelines.

The City of Atwater has the ability to meet its pooled expenditure requirements for the next six months.

Bank Account Detail			
City LAIF	3,386,471.94	Westamerica Bank Checking	7,290,811.81
Chandler Asset Mgt.	1,029,953.00	Westamerica Bank (Transfer Account)	99,970.27
Wells Fargo Mutual Fund	1,230,730.11	Westamerica Bank Rdlvpmnt Obligation Checking	25.38
Rabobank Money Market	50,347.41		

City of Atwater

Fiscal Year 2015-16 thru 2019-20

General Fund Five Year Forecast

June 30, 2015



City of
Atwater
Community Pride City Wide

750 Bellevue Road, Atwater CA 95301

City of Atwater
General Fund Five Year Forecast
 Future Revenue/Expenditure Assumptions

Revenues:

1) Property Tax	2.0%
2) Sales Tax	2.0% - 3.7% (Muni Services projections are 2% increase for FY 2017 and 3.7% there after)
3) Other Taxes	1.0% (Franchise/Business License)
4) In-Lieu Vehicle License Fees	1.0%
4) Building Permit	5.0%
5) Inter-Fund Transfers	6.5% Average CalPERS increase.
6) All Other Revenues:	Projected at FY 2014-15 level

Expenditures:

1) Employee Salaries:	1.0%	Step increases only
2) PERS Employer Rates:		Average CalPERS increase.
		FY 2015-16
		FY 2016-17 thru 2018-19
3) Medical Cost: (Med/Den/Vis)	2.5%	CalPERS estimates a 7% increase for Safety and 5% for Misc.
4) Other Benefits	5.0%	CalPERS estimated range averages to a 3% increase for Safety and 1% for Misc.
5) Professional Services:	2.5%	Historical increases are varied among insurance plans.
6) Other Operating Costs:	2.0%	Assumes this inflationary increase over FY 14/15 level.
7) Reimbursable Costs	2.0%	Assume revenues equal expenditures - net impact =\$0

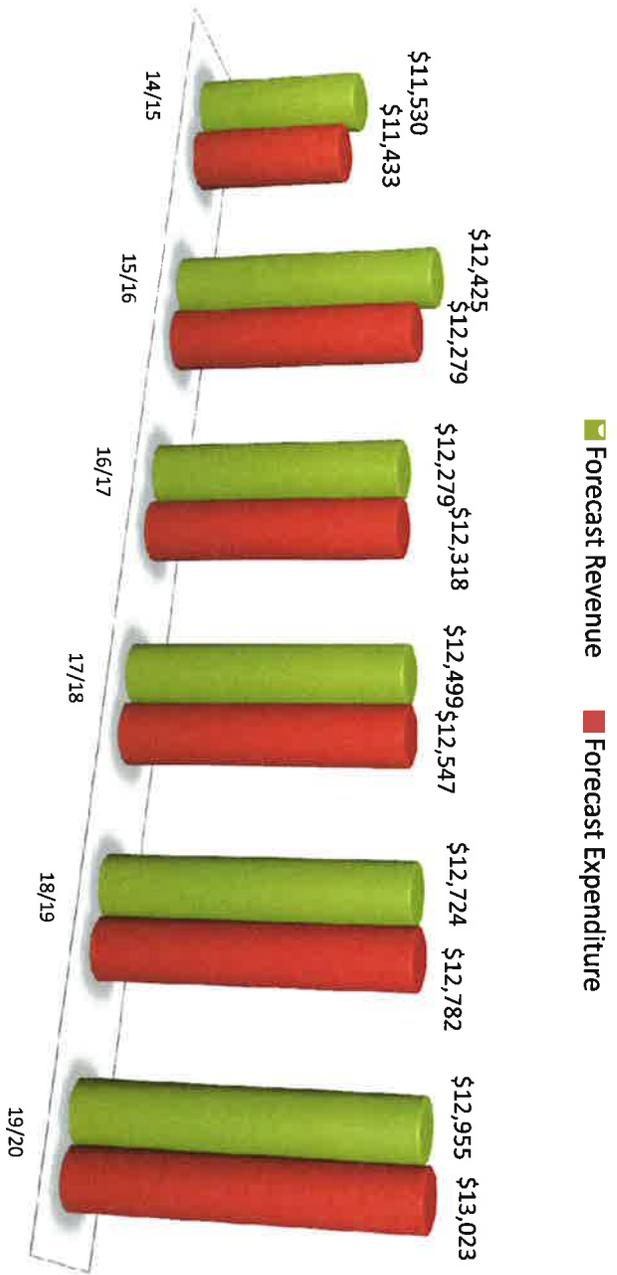
Staffing Issues:

- 1) The model assumes current staffing level during the five year forecast period.

City of Atwater
General Fund Five Year Forecast

City of Atwater

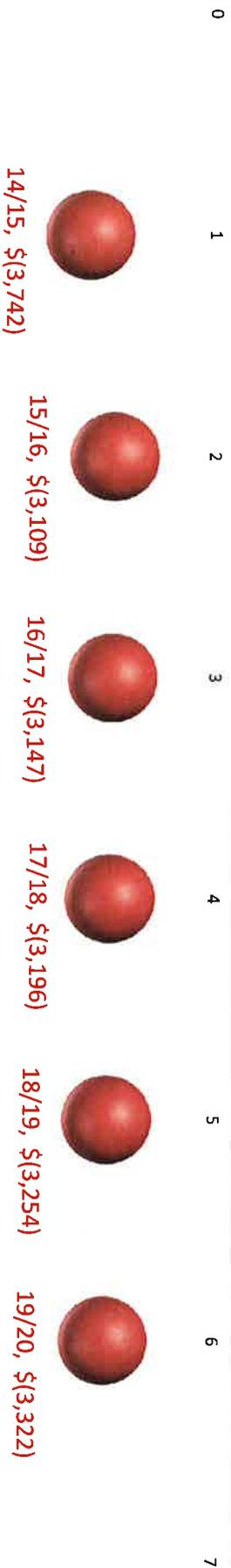
General Fund Revenue and Expenditures



City of Atwater
General Fund Five Year Forecast

City of Atwater
General Fund Five Year Forecast

● Fund Balance (\$ in millions)



City of Atwater
General Fund Five Year Forecast

	FY 14/15 Actuals	<u>FY 14/15</u> Revised Budget	<u>FY 15/16</u> Adopted Budget	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>
Revenue							
Property Taxes	2,146,750	2,317,186	2,244,443	1,758,371	1,793,538	1,829,409	1,865,997
Sales Taxes	2,244,655	2,335,208	2,614,237	3,063,220	3,176,130	3,292,833	3,413,461
Building Permits	328,976	162,500	200,000	210,000	220,500	231,525	243,101
Transfer In - Measure H	700,000	700,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
Other Revenues	6,595,275	6,015,020	6,266,094	6,147,892	6,208,474	6,270,110	6,332,821
Total Revenues	<u>12,015,656</u>	<u>11,529,914</u>	<u>12,424,774</u>	<u>12,279,483</u>	<u>12,498,642</u>	<u>12,723,876</u>	<u>12,955,381</u>
Expenditure							
Salary & Benefits	6,543,326	6,831,564	7,066,045	7,203,654	7,330,731	7,461,424	7,595,869
Other Oper Costs	4,886,227	4,591,347	5,004,329	5,104,416	5,206,504	5,310,634	5,416,847
Capital Projects	991	9,882	208,819	10,000	10,000	10,000	10,000
Total Expenditure	<u>11,430,544</u>	<u>11,432,793</u>	<u>12,279,193</u>	<u>12,318,069</u>	<u>12,547,235</u>	<u>12,782,058</u>	<u>13,022,716</u>
Operating Surplus/(Shortfall)	585,112	97,121	145,581	(38,587)	(48,593)	(58,182)	(67,335)
Beginning Fund Balance	(3,839,545)	(3,839,545)	(3,254,433)	(3,108,853)	(3,147,439)	(3,196,032)	(3,254,213)
Ending Fund Balance	<u>(3,254,433)</u>	<u>(3,742,424)</u>	<u>(3,108,853)</u>	<u>(3,147,439)</u>	<u>(3,196,032)</u>	<u>(3,254,213)</u>	<u>(3,321,549)</u>

City of Atwater

General Fund Five Year Forecast

	<u>FY 14/15 Actuals</u>	<u>FY 14/15 Revised Budget</u>	<u>FY 15/16 Adopted Budget</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>
Revenue							
Property Taxes	2,146,750	2,317,186	2,244,443	1,758,371	1,793,538	1,829,409	1,865,997
Sales & Use Taxes	2,244,655	2,335,208	2,614,237	3,063,220	3,176,130	3,292,833	3,413,461
Other Taxes	1,016,401	861,000	875,000	883,750	892,588	901,513	910,529
Licenses & Permits	9,441	23,300	12,750	23,300	23,300	23,300	23,300
Building Permits	328,976	162,500	200,000	210,000	220,500	231,525	243,101
Intergovernmental - VLF	2,163,303	1,890,000	2,163,960	2,185,600	2,207,456	2,229,530	2,251,825
Intergovernmental - Other	936,449	898,265	1,061,098	809,750	809,750	809,750	809,750
Services Charges	682,485	562,476	482,150	505,476	505,476	505,476	505,476
Fines & Forfeitures	59,031	48,000	49,000	48,000	48,000	48,000	48,000
Miscellaneous Revenue	352,403	341,432	347,200	344,114	344,114	344,114	344,114
Inter-Fund Transfers	1,375,761	1,390,547	1,274,936	1,347,902	1,377,791	1,408,426	1,439,827
Transfer In - Measure H Fund	700,000	700,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
Total Revenue	12,015,656	11,529,914	12,424,774	12,279,483	12,498,642	12,723,876	12,955,381

	<u>FY 14/15 Actuals</u>	<u>FY 14/15 Revised Budget</u>	<u>FY 15/16 Adopted Budget</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>
Expenditure							
Salaries	3,777,177	3,838,848	3,913,345	3,952,478	3,992,003	4,031,923	4,072,242
Benefits - PERS	1,441,040	1,644,265	1,805,704	1,850,847	1,897,118	1,944,546	1,993,159
Benefits - Medical	679,302	832,533	786,307	825,622	866,903	910,249	955,761
Benefits - Other	645,807	515,918	560,689	574,706	574,706	574,706	574,706
Professional Svcs	2,757,164	2,523,500	505,000	515,100	525,402	535,910	546,628
Other Oper Costs	2,129,063	2,067,847	4,499,329	4,589,316	4,681,102	4,774,724	4,870,219
Capital Fund	991	9,882	208,819	10,000	10,000	10,000	10,000
Total Expenditure	11,430,544	11,432,793	12,279,193	12,318,069	12,547,235	12,782,058	13,022,716

Operating Surplus/(Shortfall) 585,112 97,121 145,581 (38,587) (48,593) (58,182) (67,335)

<u>Fund Balance</u>	<u>FY 14/15 Actuals</u>	<u>FY 14/15 Revised Budget</u>	<u>FY 15/16 Adopted Budget</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>
Beginning Fund Balance	(3,839,545)	(3,839,545)	(3,254,433)	(3,108,853)	(3,147,439)	(3,196,032)	(3,254,213)
Ending Fund Balance	(3,254,433)	(3,742,424)	(3,108,853)	(3,147,439)	(3,196,032)	(3,254,213)	(3,321,549)

City of Atwater
 General Fund Five Year Forecast
 Cost Allocation Plan Labor Assumptions

	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20
Salaries	3,913,345	3,952,478	3,992,003	4,031,923	4,072,242
Benefits	3,152,700	3,251,175	3,338,727	3,429,501	3,523,627
Total	7,066,045	7,203,654	7,330,731	7,461,424	7,595,869

General Fund Revenue Projections

Description	FY 2014-15 Actual	FY 2014-15 Adopted Budget	FY 2014-15 Revised Budget	FY 2015-16 Adopted Budget	FY 16-17	FY17-18	FY18-19	FY 19-20
Property Taxes								
Property Tax, Current Secured	1,218,932	1,400,700	1,400,700	1,456,728	1,485,863	1,515,580	1,545,891	1,576,809
Property Tax, Current Unsecured	133,263	119,976	119,976	130,665	133,278	135,944	138,663	141,436
Property Tax, Prior Unsecured	4,876	10,300	10,300	5,000	5,100	5,202	5,306	5,412
Property Tax, Supplemental	35,675	40,800	40,800	50,000	51,000	52,020	53,060	54,122
Property Tax Miscellaneous	58,024	40,000	40,000	0	0	0	0	0
Prop Tax In-lieu Sales/Use	621,410	626,053	621,410	520,550	0	0	0	0
RDA Residuals (COA)	54,299	30,000	60,000	57,500	58,650	59,823	61,019	62,240
Property Tax, Homeowner Exemption	20,272	24,000	24,000	24,000	24,480	24,970	25,469	25,978
Total Property Tax Revenue	\$2,146,750	\$2,291,829	\$2,317,186	\$2,244,443	\$1,758,371	\$1,793,538	\$1,829,409	\$1,865,997
Sales Tax								
Sales & Use Tax	2,124,804	1,947,607	2,220,208	2,499,237	2,945,920	3,054,490	3,166,692	3,282,653
Sales & Use Tax-Public Safety	119,851	115,000	115,000	115,000	117,300	121,640	126,141	130,808
Total Sales Tax Revenue	\$2,244,655	\$2,062,607	\$2,335,208	\$2,614,237	\$3,063,220	\$3,176,130	\$3,292,833	\$3,413,461
Other Taxes								
Business License Tax	182,668	150,000	150,000	160,000	161,600	163,216	164,848	166,497
Franchise Tax	740,835	617,000	617,000	620,000	626,200	632,462	638,787	645,174
Transient Occupancy Tax	38,050	44,000	44,000	40,000	40,400	40,804	41,212	41,624
Documentary Stamp Tax	54,849	50,000	50,000	55,000	55,550	56,106	56,667	57,233
Total Other Tax Revenue	\$1,016,401	\$861,000	\$861,000	\$875,000	\$883,750	\$892,588	\$901,513	\$910,529
Licenses and Permits								
Animal License	1,551	1,500	1,500	1,000	1,500	1,500	1,500	1,500
Bicycle License	35	100	100	50	100	100	100	100
Fireworks Permits	1,464	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Well Permits	914	500	500	500	500	500	500	500
Building Permits	328,976	150,000	162,500	200,000	210,000	220,500	231,525	243,101
Other Licenses And Permits	5,477	20,000	20,000	10,000	20,000	20,000	20,000	20,000
Total Licenses and Permit Revenue	\$338,417	\$173,300	\$185,800	\$212,750	\$233,300	\$243,800	\$254,825	\$266,401

Description	FY 2014-15 Actual	FY 2014-15 Adopted Budget	FY 2014-15 Revised Budget	FY 2015-16 Adopted Budget	FY 16-17	FY17-18	FY18-19	FY 19-20
Intergovernmental Prop Tax In Lieu Veh Lic Fee	2,163,303	1,890,000	1,890,000	2,163,960	2,185,600	2,207,456	2,229,530	2,251,825
ROPS - Successor Agency Administration	168,750	218,750	218,750	177,000	218,750	218,750	218,750	218,750
Loan Repayment - RDA	0	0	0	281,098	0	0	0	0
RDA Residuals - (COA Fire Dept)	2,514	15,000	15,000	22,000	15,000	15,000	15,000	15,000
Motor Vehicle In-lieu Fee	11,905	10,000	10,000	0	10,000	10,000	10,000	10,000
State Mandated Cost	126,278	10,000	40,000	40,000	10,000	10,000	10,000	10,000
Statutory Pass-Through Revenue	44,400	35,000	35,000	20,000	35,000	35,000	35,000	35,000
MUHSD/AESD Reimbursement	423,943	386,000	386,000	386,000	386,000	386,000	386,000	386,000
Fire District In-lieu Fee	116,408	135,000	135,000	135,000	135,000	135,000	135,000	135,000
State Homeland Security Fire Grant	0	4,500	4,500	0	0	0	0	0
State Fire Reimbursement	42,252	0	29,700	0	0	0	0	0
AFG Operations & Safety Grant	0	0	24,315	0	0	0	0	0
Total Intergovernmental Revenue	\$3,099,752	\$2,704,250	\$2,788,265	\$3,225,058	\$2,995,350	\$3,017,206	\$3,039,280	\$3,061,575
Charges for Service Sale Of Maps And Copies/Taxi Cost Recovery CFD 1-90	245	300	400	500	300	300	300	300
Live Scan/Other Current: Snv	99,000	99,000	99,000	0	0	0	0	0
False Alarm Fees	0	5,100	3,100	1,000	5,000	5,000	5,000	5,000
Impound Fees/Costs	750	20,000	1,900	5,000	20,000	20,000	20,000	20,000
Animal Control Services	26,255	30,000	20,000	10,000	30,000	30,000	30,000	30,000
Police Special Services	654	5,000	1,000	2,500	5,000	5,000	5,000	5,000
Police Cost Recovery	132,846	79,000	79,000	80,000	79,000	79,000	79,000	79,000
Weed Abatement	344	100	100	500	100	100	100	100
Fire Dept Response Fee	5,430	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Fire Inspection Fees	8,207	7,500	7,500	7,500	7,500	7,500	7,500	7,500
Sale Of Standard Specs & Drawings	5,845	10,000	10,000	6,000	10,000	10,000	10,000	10,000
Engineering Services	800	500	500	250	500	500	500	500
	33,213	30,000	25,000	22,500	30,000	30,000	30,000	30,000

Description	FY 2014-15 Actual	FY 2014-15 Adopted Budget	FY 2014-15 Revised Budget	FY 2015-16 Adopted Budget	FY 16-17	FY17-18	FY18-19	FY 19-20
Planning Fees	30,749	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Plan Check Fees/Reimb. Fees	42,588	0	0	1,000	100	100	100	100
Misc. Building Inspection Fee	4,700	4,250	4,250	4,000	4,250	4,250	4,250	4,250
Recreation Fees	102,817	138,236	128,264	137,200	138,236	138,236	138,236	138,236
High School Pool	18,420	18,382	21,852	18,900	18,382	18,382	18,382	18,382
Recreation Concessions	0	650	650	0	650	650	650	650
After School Program	157,768	119,408	122,910	124,800	119,408	119,408	119,408	119,408
Field Trips/Events	6,672	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Contracted Recreation Fees	5,181	6,550	6,550	5,000	6,550	6,550	6,550	6,550
Ferrari Ranch Project				25,000				
Total Charges for Service Revenue	\$682,485	\$604,476	\$562,476	\$482,150	\$505,476	\$505,476	\$505,476	\$505,476
Fines and Forfeitures								
Forfeitures	4,200	6,000	6,000	5,000	6,000	6,000	6,000	6,000
Vehicle Code Fines	27,200	30,000	30,000	30,000	30,000	30,000	30,000	30,000
Other Fines	17,967	7,000	7,000	7,000	7,000	7,000	7,000	7,000
Parking Fines	9,664	5,000	5,000	7,000	5,000	5,000	5,000	5,000
Total Fines and Forfeiture Revenue	\$59,031	\$48,000	\$48,000	\$49,000	\$48,000	\$48,000	\$48,000	\$48,000
Miscellaneous Revenue								
Interest Earned	0	0	0	0	0	0	0	0
Rents & Leases	13,500	12,500	12,500	12,500	12,500	12,500	12,500	12,500
Cellular 2000 Lease	31,720	28,500	28,500	35,000	28,500	28,500	28,500	28,500
Billboard Rental	5,431	6,000	6,000	6,000	6,000	6,000	6,000	6,000
KV/RQ-F Tower Lease	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Metro PCS Lease	18,396	17,000	17,000	17,000	17,000	17,000	17,000	17,000
Cingular @ Water Tower	17,802	17,802	17,802	17,800	17,802	17,802	17,802	17,802
Cricket-Tower Lease	15,600	15,600	15,600	15,600	15,600	15,600	15,600	15,600
Cricket-Tower Electrical Usage	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400
P G & E Energy Rebate	59,286	70,000	70,000	50,000	70,000	70,000	70,000	70,000
Restitution	3,463	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Penalties	27,147	33,000	33,000	30,000	33,000	33,000	33,000	33,000
Donations & Contributions	0	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Taxicab Registration Fees	0	100	0	100	100	100	100	100
Veterans Brick Project	516	800	800	800	8,000	8,000	8,000	8,000
Other Revenue/Retro Ins. Adj	115,145	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Special Funding	0	19,000	19,000	40,000	19,000	19,000	19,000	19,000
Community Center Rental	26,072	18,500	23,118	23,500	18,500	18,500	18,500	18,500
Bloss Estate Rental	0	0	0	500	0	0	0	0
Veterans Pav./Castle Park Rental	3,926	5,712	5,712	6,000	5,712	5,712	5,712	5,712
Total Miscellaneous Revenue	\$352,403	\$336,914	\$341,432	\$347,200	\$344,114	\$344,114	\$344,114	\$344,114

Description	FY 2014-15 Actual	FY 2014-15 Adopted Budget	FY 2014-15 Revised Budget	FY 2015-16 Adopted Budget	FY 16-17	FY17-18	FY18-19	FY 19-20
Inter-Fund Transfers								
Admin Fees, Streets	61,000	61,000	61,000	40,702	43,348	44,431	45,542	46,681
Admin Fees, Water	391,206	391,207	391,207	367,132	390,996	400,770	410,790	421,059
Admin Fees, Sanitation	284,000	284,000	284,000	257,419	274,151	281,005	288,030	295,231
Admin Fees, Sewer	391,206	391,207	391,207	392,009	417,490	427,927	438,625	449,591
Admin Fees, Maintenance Dist	18,673	18,673	18,673	37,521	39,960	40,959	41,983	43,032
Admin Fees, CFD 1-90	16,374	16,374	16,374	0	0	0	0	0
Admin Fees, Information Technology	25,711	25,711	25,711	27,778	29,584	30,323	31,081	31,858
Ferrari Ranch Reimbursement	0	50,000	50,000	0				
Tran. From CDBG/RD OB RT	35,216	0	0					
Transfer from Measure H Fund	700,000	700,000	700,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
Hydrant Maintenance - Water Fund	152,375	152,375	152,375	152,375	152,375	152,375	152,375	152,375
Total Administrative Fee Revenue	\$2,075,761	\$2,090,547	\$2,090,547	\$2,374,936	\$2,447,902	\$2,477,791	\$2,508,426	\$2,539,827
Total General Fund Revenue	\$12,015,656	\$11,172,923	\$11,529,914	\$12,424,774	\$12,279,483	\$12,498,642	\$12,723,876	\$12,955,381

January 19, 2016

Board of the Successor Agency
to the Atwater Redevelopment Agency

Meeting of
January 25, 2016

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND
ADMINISTRATIVE BUDGET FOR 2016-17**

RECOMMENDATION:

It is recommended that the Successor Agency to the Redevelopment Agency of the City of Atwater take the following action;

- Adopt Successor Agency Resolution No. 2016-01 adopting the Recognized Obligation Payment Schedule 2016-17 for the July 1, 2016 through June 30, 2017 period and adopting the Administrative Budget for Fiscal Year 2016-17.

BACKGROUND:

On December 29, 2011, the California Supreme Court issued its decision in CRA v. Matosantos, upholding ABx1 26, which dissolves all redevelopment agencies in California, and overturning ABx1 27, the “voluntary alternative redevelopment program.” With the voluntary redevelopment program provided for in ABx1 27 having been ruled unconstitutional by the Court, all California redevelopment agencies were dissolved on February 1, 2012. As of February 1, 2012, redevelopment agencies throughout the State ceased to exist. Successor Agencies are responsible for winding down the affairs of their respective now-dissolved redevelopment agencies. The City of Atwater is acting as the Successor Agency to manage and curtail the operation of the dissolved Atwater Redevelopment Agency.

As the Successor Agency, the City is responsible for all of the assets, properties, contracts, leases, obligations, and records of the former Redevelopment Agency. In order for the Successor Agency to continue paying obligations of the former Redevelopment Agency, ABx1 26 requires the Successor Agency to prepare an annual Recognized Payment Obligation Schedule (ROPS) setting forth the Successor Agency’s payment obligations for two six-month periods. The ROPS shall include any bonds, loans, payments required by the federal government, contracts, and costs associated with Disposition and Development Agreements, and other similar types of obligations to third parties.

On September 22, 2015, Governor Brown signed Senate Bill (“SB”) 107, which went into effect immediately. SB 107 made several key changes to the Health and Safety Code (HSC) sections that establish the ROPS process. These changes are summarized below:

Annual Submission Beginning for Fiscal Year 2016-17

Beginning in 2016, ROPS are due to the State Department of Finance (DOF) annually by February 1, instead of biannually as in previous years. ROPS periods will cover July 1 to June 30. Once per ROPS period, but not later than October 1, successor agencies may submit to their oversight board and DOF one amendment to the DOF-approved ROPS if the oversight board makes a finding that the revision is necessary for the payment of approved enforceable obligations during the second half of the ROPS period.

Bifurcation of ROPS and Prior Period Adjustment Processes

Previously successor agencies provided DOF both an itemized list of payments of enforceable obligations for the upcoming ROPS period and an itemized list of differences between actual payments and past estimated obligations for the preceding ROPS period ("Prior Period Adjustment"). SB 107 specifies that, beginning in 2018, the Prior Period Adjustment process will be handled separately from the ROPS by County Auditor- Controller's and on an annual basis, instead of biannually as in previous years. Successor agencies will provide information regarding their Prior Period Adjustment to County Auditor- Controller's on October 1, 2018, and each October 1 thereafter.

Administrative Cost Allowance

Previously, the administrative cost allowance for each fiscal year was the greater of \$250,000 or three percent of the Redevelopment Property Tax Trust Fund (RPTTF) funding that the successor agency received during the fiscal year. Beginning in Fiscal Year 2016-17, the administrative cost allowance for each fiscal year cannot exceed 50 percent of the total RPTTF funding distributed to pay enforceable obligations in the preceding fiscal year, less the administrative cost allowance and any loan repayments to the city or county. However, there is ambiguous language that states the \$250,000 minimum applies unless reduced by the Oversight Board or the Successor Agency enters into an agreement with DOF. The Successor Agency is not expected to experience any change in the administrative cost allowance due to SB 107 since it has at least \$500,000 in non-administrative enforceable obligations each year.

SB 107 also specifies that oversight boards are no longer required to submit administrative budgets to DOF for approval. Administrative budgets still require oversight board approval.

Last and Final ROPS

Beginning January 1, 2016, successor agencies may submit a Last and Final ROPS for approval by the oversight board and the DOF if all of the following conditions are met:

1. Remaining debt includes only administrative costs and enforceable obligations with set payment schedules, such as debt service, loan agreements, and contracts;
2. All remaining obligations have been previously listed on a ROPS and approved by DOF; and
3. The successor agency has no outstanding or unresolved litigation.

Once DOF approves a successor agency's Last and Final ROPS, the successor agency may submit up to two requests to amend it. Due to remaining obligations without set payment schedules, the Successor Agency is not being requested to consider a Last and Final ROPS at this time.

ANALYSIS:

Recognized Obligation Payment Schedule

Health and Safety Code (HSC) Section 34177(l) requires the Successor Agency to prepare a ROPS showing all the obligations of the former Redevelopment Agency and the sources of funds for repaying obligations. The 10th ROPS, covering the period July 1, 2016 through June 30, 2017, must be approved by the Oversight Board and sent to DOF and the County Auditor-Controller no later than February 1, 2016. The Successor Agency may face a fine of \$10,000 per day for a ROPS submitted after this deadline.

The items on the ROPS are substantially the same as those included on ROPS 15-16A and ROPS 15-16B. The main difference is that the Successor Agency repaid the remainder of a loan from the City to the Successor Agency during the 15-16A period, so this item does not appear on ROPS 16-17. The retirement of this obligation is a key part of the process to curtail the Successor Agency.

In summary, the Successor Agency requests a total of \$1,276,841 from the RPTTF and proposes to spend \$25,371 of interest and rent revenue accrued during previous periods for obligations in the 2016-17 period. The obligations listed on the ROPS include funding for the following:

- Bond Debt Service Costs,
- Contracts for bond administration and disclosure services,
- Successor Agency Employee Costs - Administrative Costs, and
- Implementation of the Property Management Plan Disposition Activities.

Administrative Budget

HSC Section 34177(j) requires the Successor Agency to prepare an Administrative Budget and submit it to the Oversight Board for approval. The Successor Agency anticipates needing the entire \$250,000 minimum annual administration allocation

described in HSC Section 34171 (b).

SERAF Loan Repayment

The Successor Agency maintains a SERAF loan owed to the Housing Successor Agency. SERAF loan payments in a given fiscal year are limited to one half of the difference between the previous fiscal year's residual revenue and the fiscal year 2012-13 residual revenue.

Residual Revenue is the amount of RPTTF revenue—property taxes distributed by the County Auditor-Controller—available after deducting from gross revenue the following:

- County Auditor-Controller's and State Controller's Office administrative fees,
- pass through payments, and
- the amount approved by DOF to pay enforceable obligations.

The Successor Agency does not expect to be able to make a SERAF loan payment until there is significant growth in RPTTF revenue, which may take several additional years of growth and increase in the assessed valuation of property tax in the former agency tax area.

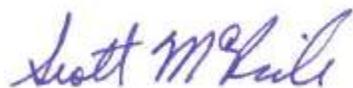
FISCAL IMPACT:

Adoption and transmittal of the ROPS are necessary to receive funding from the RPTTF to fund the Successor Agency's financial obligations from July 1, 2016 through June 30, 2017.

CONCLUSION:

This item is submitted for Successor Agency consideration and possible action. The Oversight Board is scheduled to review these items at Special Meeting scheduled for the January 27, 2016.

Respectfully submitted,



Scott McBride
Community Development Director
City of Atwater



SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

RESOLUTION NO. SA 2016-1

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2016-17 FOR JULY 2016 THROUGH JUNE 2017 AND APPROVING THE SUCCESSOR AGENCY'S PROPOSED ADMINISTRATIVE BUDGET FOR FISCAL YEAR 2016-17

WHEREAS, the City of Atwater elected to serve as the Successor Agency to the former Atwater Redevelopment Agency ("Successor Agency") pursuant to Assembly Bill x1 26 ("AB x1 26"), Assembly Bill 1484 ("AB 1484"), and Senate Bill 107 ("SB 107," collectively the "Dissolution Act") as codified in the California Health & Safety Code ("HSC"); and

WHEREAS, among the duties of successor agencies under the Dissolution Act is the preparation of a Recognized Obligation Payment Schedule ("ROPS") for the ensuing two six-month periods for consideration by a local oversight board and the California Department of Finance ("DOF") for purposes of administering the wind-down of financial obligations of the former Redevelopment Agency; and

WHEREAS, the Dissolution Act requires that the proposed ROPS be transmitted to the local oversight board for its approval and subsequently transmitted to the county auditor-controller, State Controller's Office, and DOF for their consideration; and

WHEREAS, the proposed ROPS 16-17 for the six-month periods from July 1, 2016 through December 31, 2016 and January 1, 2017 through June 30, 2017, attached hereto as Exhibit "A", has been prepared and is consistent with the provisions of the Dissolution Act and in the format made available by DOF; and

WHEREAS, HSC Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget and submit it to the Oversight Board for approval; and

WHEREAS, the Successor Agency's proposed Fiscal Year 2016-17 Administrative Budget for the period July 1, 2016 June 30, 2017 has been reviewed, and by this Resolution the Successor Agency desires to approve such Administrative Budget and authorize submittal thereof to the Oversight Board for its review and approval; and

WHEREAS, the Oversight Board will review the 2016-2017 ROPS and Administrative Budget on January 27, 2016; and

WHEREAS, the Successor Agency desires to approve the ROPS and transmit it to various parties as required by the Dissolution Act.

NOW, THEREFORE, the Successor Agency to the Atwater Redevelopment Agency does hereby resolve as follows;

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Approval of ROPS 16-17. The Successor Agency hereby approves and adopts the ROPS 16-17 covering the period of July 1, 2016 through June 30, 2017, in substantially the form attached hereto as Exhibit A, as required by the Dissolution Act, AB 1484 and SB 107.

Section 3. Approval of Successor Agency FY 2016-17 Administrative Budget. Pursuant to the Dissolution Act, the Successor Agency approves the Fiscal Year 2016-17 Administrative Budget for the period July 1, 2016 to June 30, 2017 submitted herewith as Exhibit B, which is incorporated herein by this reference.

Section 4. Posting; Transmittal of ROPS to Appropriate Agencies. The City Manager is hereby authorized and directed to post a copy of the ROPS on the City's website and transmit a copy of the ROPS to the offices of the Merced County Auditor-Controller, the Merced County Executive Officer, and the State of California Department of Finance (DOF) upon the Oversight Board's approval.

The foregoing resolution is hereby adopted this 25th day of January, 2016.

**AYES:
NOES:
ABSENT:
ABSTAINED:**

APPROVED:

JAMES E. PRICE, MAYOR

ATTEST:

**JEANNA DEL REAL, CMC
CITY CLERK**

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF
JULY 1, 2016 TO JUNE 30, 2017

Recognized Obligation Payment Schedule (ROPS 16-17) - Summary

Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency:

Atwater

County:

Merced

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):			
A	\$ 25,371	\$ -	\$ 25,371
B	-	-	-
C	-	-	-
D	25,371	-	25,371
E	\$ 425,725	\$ 850,756	\$ 1,276,481
Enforceable Obligations Funded with RPTTF Funding (F+G):			
F	201,096	850,756	1,051,852
G	224,629	-	224,629
H	\$ 451,096	\$ 850,756	\$ 1,301,852

Current Period Enforceable Obligations (A+E):

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name

Title

/s/

Signature

Date

Atwater Recognized Obligation Payment Schedule (ROPS 16-17) - Notes July 1, 2016 through June 30, 2017

Item #	Notes/Comments
12	The Successor Agency is requesting all of its allowed \$250,000 for fiscal year 2016-17 in the 16-17A period in order to even out cash flow. The difference between available RPTTF and debt service payments is much greater each A period than in the corresponding B period. The Successor Agency may spend its administrative allowance throughout the 2016-17 fiscal year, though it will be attributed entirely to the 16-17A period. The total spent will not exceed \$250,000 for the fiscal year, as restricted by Health and Safety Code Section 34171.
13	The current request for this item relates to property disposition activities related to the approved Long Range Property Management Plan.

EXHIBIT B

**SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR THE PERIOD OF
JULY 1, 2016 TO JUNE 30, 2017**

Atwater Successor Agency 2016-17 Administrative Budget

FY 2016-17 Administrative Activities

Personnel

County correspondence/coordination	Successor Agency Staff, RSG, Legal Counsel
State correspondence/coordination	Successor Agency Staff, RSG, Legal Counsel
Prepare ROPS	Successor Agency Staff, RSG, Legal Counsel
Prepare admin budget	Successor Agency Staff, RSG, Legal Counsel
Oversight Board staff support	Successor Agency Staff, RSG, Legal Counsel
Management of dissolution activities	Successor Agency Staff, RSG, Legal Counsel
Annual Audit	Price, Page & Company
Manage/monitor finances	Successor Agency Staff,RSG
Agendas/minutes/Brown Act records assistance	Successor Agency Staff,RSG

Successor Agency Administrative Budget

Description

Total

Successor Agency Staff Costs	Salaries, Wages, Benefits	187,000
Rosenow Spevacek Group Inc.	Advisory Services (ROPS Preparation, Legislative Guidance, Property Disposition, Cash Flow Projections, State/County Correspondance, etc.)	25,000
Price, Page & Company	Audit Services	5,000
Union Pacific Railroad	Landscaping Lease	2,000
Successor Agency Legal Counsel	Legal Services	30,000
Oversight Board Costs	Supplies and Meeting Cost	1,000
Grand Total		250,000

January 19, 2016

Board of the Successor Agency
to the Atwater Redevelopment Agency

Meeting of
January 25, 2016

**AUTHORIZE A CONTRACT WITH RSG INC. FOR SUCCESSOR
AGENCY CONSULTING SERVICES FOR FISCAL YEAR 2016-17**

RECOMMENDATION:

It is recommended that the Board of the Successor Agency to the Redevelopment Agency of the City of Atwater take the following actions;

- Prepare a contract for professional services with Rosenow Spevacek Group Inc. (RSG) to perform services in the proposal for Successor Agency consulting services submitted by RSG to the Successor Agency to the Atwater Redevelopment Agency (Successor Agency) for the Fiscal Year 2016-17, in a form to be approved by the City Attorney; and
- Transmit the consulting services proposal to the Oversight Board for their consideration and possible action.

BACKGROUND:

Since the dissolution of redevelopment agencies, the Successor Agency has used the services of RSG to satisfy its requirements and to plan for the future under Redevelopment dissolution. RSG has submitted a proposal for Successor Agency consulting services, **(Exhibit A)**, to continue providing these services during Fiscal Year 2016-17.

ANALYSIS:

Requirements and Planning

As described in RSG's proposal, the Successor Agency will need to complete and submit a Recognized Obligation Payment Schedule (ROPS) for approval to the Oversight Board and DOF for the 2017-2018 fiscal year as it has since dissolution. Given RSG's assistance in submitting previous ROPS for the Successor Agency, RSG is well positioned to assist with the next ROPS efficiently and effectively. RSG is familiar with the City and Successor Agency's financial system, fund account numbers, and has considerable knowledge related to City – Successor Loans and other issues. RSG also has experience representing successor agencies in the Meet and Confer process used to resolve items of dispute between successor agencies and DOF. Should such representation be necessary for the Successor Agency, RSG will assist in dispute resolution.

The Successor Agency has begun the disposition process for its real property as part of the Long Range Property Management Plan (LRPMP). RSG helped to prepare the LRPMP, to revise the LRPMP per DOF's comments, and to prepare LRPMP disposition procedures. Therefore, RSG is well positioned to assist the Successor Agency with continued guidance for property disposition.

RSG will also assist the Successor Agency to plan for the future. By preparing and providing a long-term cash flow, RSG will anticipate financial problems before they occur and work with the Successor Agency to plan accordingly to prevent those problems and to use anticipated revenues most efficiently. RSG's analysis and understanding of recent and upcoming legislation pertaining to Redevelopment dissolution will offer the Successor Agency insight on the ramifications of the most recent legislative changes and an explanation of the immediate and future impacts to the Successor Agency and affected taxing entities.

One example of new legislation is the recently enacted Senate Bill 107, which changed the ROPS cycles from six-month periods to annual periods.

Administrative Budget

HSC Section 34177(j) requires the Successor Agency to prepare an Administrative Budget and submit it to the Oversight Board for approval. The Successor Agency anticipates needing the entire \$250,000 minimum annual administration allocation described in HSC Section 34171(b). The Successor Agency is also reviewing an administrative budget for Fiscal Year 2016-17 at the meeting on January 19, 2016, which includes \$250,000 for the 2016-17 ROPS period. \$25,000 of the administrative budget is allocated for RSG consulting services.

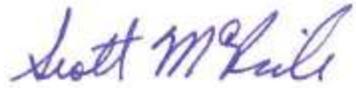
FISCAL IMPACT:

Approval of RSG's proposal for Successor Agency consulting services for Fiscal Year 2015-16 will lead to the commitment of \$25,000 of the Successor Agency's administrative budget that has been allocated for such purpose. The administrative budget is pending approval by the Oversight Board and DOF. If approved all items will be incorporated into the City's Budget for FY 2016-17.

CONCLUSION:

This item is submitted for Successor Agency consideration and possible action. The Oversight Board is scheduled to review these items at Special Meeting scheduled for the January 27, 2016.

Respectfully submitted,

A handwritten signature in blue ink that reads "Scott McBride". The signature is written in a cursive style with a large, stylized 'S' and 'M'.

Scott McBride
Community Development Director



BETTER COMMUNITIES. BOLDER FUTURES.

ROSENOW SPEVACEK GROUP INC.
309 WEST 4TH STREET
SANTA ANA, CALIFORNIA
92701-4502

T 714 541 4585
F 714 541 1175
E INFO@WEBRSG.COM
WEBRSG.COM

January 14, 2016

Via Electronic Mail

Scott McBride, Director of Economic Development & Special Projects
CITY OF ATWATER
750 Bellevue Road
Atwater, CA 95301

PROPOSAL FOR SUCCESSOR AGENCY CONSULTING SERVICES, FISCAL YEAR 2016-17

Dear Mr. McBride:

RSG is pleased to present this proposed scope of work and budget to provide the City of Atwater ("City") and the Successor Agency to the Atwater Redevelopment Agency ("Successor Agency") with continued administrative services related to Assembly Bill x1 26 ("ABx1 26"), Assembly Bill 1484 ("AB 1484"), and Senate Bill 107 ("SB 107"). Our role would be to provide technical, management, and administrative services to enable staff to wind down the affairs of the former Redevelopment Agency, meet ongoing reporting requirements, conduct financial and strategic planning, and provide other services as directed by staff.

Specific assignments may include but are not limited to the following:

- Financial Planning and Transition Services including advising on the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget
- Property Disposition Strategic Planning and Implementation
- Organizational Structuring
- Project Advisory Services
- Project Management Services
- Meetings of the Oversight Board
- Meetings, Agenda, and Staff Report Assistance
- Monitoring of Legal Requirements and Covenants
- Financial Advisory Services
- Legislative Analysis
- Taxing Entity Consultations
- Others Services as Designated

SCOPE OF SERVICES

RSG has specifically identified the following tasks that Staff will need to consider in the near-term:

FISCAL HEALTH
ECONOMIC DEVELOPMENT
REAL ESTATE, HOUSING
AND HEALTHY COMMUNITIES

Task 1 – Optional Amendment of ROPS 16-17 (July 2016 through June 2017), Preparation of Successor Agency ROPS 17-18 (July 2017 through June 2018), and Preparation of the 2017-18 Successor Agency Administrative Budget

Following the passage of SB 107, the ROPS is prepared on an annual basis. After the annual ROPS is approved, successor agencies are allowed to submit a revised ROPS to adjust requested amounts for approved items in the second half of each fiscal year. This revised ROPS is due to the Department of Finance no later than October 1. RSG does not anticipate the Successor Agency needing to amend its ROPS, but will provide this service if necessary.

RSG will prepare a draft of the Recognized Obligation Payment Schedules (“ROPS”) due in Fiscal Year 2016-17 pursuant to Health and Safety Code Section 34177. This ROPS will cover the period of July 1, 2017 through June 30, 2018. The ROPS will include a detailed list of anticipated enforceable obligations for the ensuing two six-month periods and a detailed summary of fund balances. RSG will prepare the ROPS to address new requirements imposed by new legislation, if any. RSG will also include a Successor Agency administrative budget for Fiscal Year 2017-18 as in previous years.

The ROPS 17-18 must be approved by the Oversight Board and submitted to the State Department of Finance (“DOF”) and County Auditor-Controller’s office by **February 1, 2017**. Health & Safety Code Section 34177(m)(2) institutes a \$10,000 per day penalty for failure to submit the ROPS by the deadline. Furthermore, Section 34177(m) states that if a Successor Agency has not submitted a ROPS by the due date, the maximum administrative cost allowance for the period covered by the ROPS will be reduced by 25%.

Task 2 – Long-Term Cash Flow

RSG will also assist the Successor Agency to plan for the future. By preparing and providing a long-term cash flow summarizing ROPS periods to date and projecting revenues and expenditures through Fiscal Year 2020-21, RSG will anticipate financial problems before they occur and work with the Successor Agency to plan accordingly to prevent those problems and to use anticipated revenues most efficiently. RSG’s analysis and understanding of recent and upcoming legislation pertaining to Redevelopment dissolution will offer the Successor Agency insight on the ramifications of the most recent legislative changes and an explanation of the immediate and future impacts to the Successor Agency and affected taxing entities.

Task 3 – Property Disposition Procedures/Activities

To satisfy the requirements of Section 34191.5 of AB 1484, RSG worked with the Successor Agency to prepare a Long Range Property Management Plan (“LRPMP”) addressing the disposition and use of real property owned by the former Redevelopment Agency. The Successor Agency and the Oversight Board approved the LRPMP and submitted it to DOF on November 20, 2013. After receiving comments from DOF, the Successor Agency revised the LRPMP accordingly. The Oversight Board approved the revised LRPMP on April 21, 2014. DOF did the same on May 29, 2014.

SB 107 allows successor agencies with an approved LRPMP to submit an amended LRPMP to change the disposition of qualifying parking lots to be retained by the City. Qualifying parking lots must be primarily used for public parking and not have revenues exceed reasonable maintenance costs. The Successor Agency amended its LRPMP accordingly and received Oversight Board approval on December 21, 2015. DOF is currently reviewing the amended LRPMP.

RSG prepared Disposition Procedures to guide disposition of the former Redevelopment Agency properties that will not be retained for governmental use pursuant to the DOF-approved LRPMP. The

Successor Agency and the Oversight Board reviewed and formally approved the Disposition Procedures in August 2014. RSG has begun assisting the Successor Agency to implement disposition activities.

The Successor Agency has selected an appraiser to identify the current market value of the properties. RSG will continue to assist, including but not limited to, preparing quitclaim deeds to transfer governmental use properties, drafting resolutions and staff reports to get approval on the market values as minimum sale prices from the Oversight Board and DOF, deciding on a disposition method, preparing a marketing strategy, reaching out to potential buyers, and reviewing offers. The cost of these activities may be funded from sale proceeds resulting from disposition and/or as enforceable obligations on the ROPS, separate from administrative expenses.

Task 4 – Analysis of Future Legislation

RSG excels at analyzing legislation and quickly identifying the fiscal and procedural implications for local agencies. With long-term involvement in the League of California Cities, the California Association for Local Economic Development, the California Association of Local Agency Formation Commissions, and the former California Redevelopment Association, RSG has developed expertise in helping our clients navigate complex legislation. RSG staff keeps track of legislative developments and their legal interpretations as they occur, ensuring that staff members understand new legislation and can guide the City of Atwater through the complicated legal framework of Redevelopment dissolution. We can meet with the Successor Agency to review the ramifications of the most recent changes and explain the immediate and future impacts to the Successor Agency and affected taxing agencies.

Task 5 – Participation in Department of Finance and County Auditor Controller meetings

Given the complexities of Redevelopment dissolution, issues may arise requiring discussions and negotiations with DOF and Merced County. RSG has developed a strong relationship with DOF and Merced County staff, which has helped the Successor Agency avoid negotiations during the most recent period. If necessary, however, RSG will guide the Successor Agency and provide its expert advice in dealing with Meet and Confer requests and other steps in the process of appealing decisions. This will help Atwater to be well represented and receive fair treatment in interactions with DOF and the county.

PROJECT TEAM

To provide the best, most transparent services, RSG dedicates at least one Principal and a Project Manager to each project and creates a core group of people that works with each client on a consistent basis throughout all stages of the assignment. We employ a passionate and talented team of associates and analysts, who blend an understanding of each client's situation with our expertise in researching, analyzing, modeling, and ultimately developing recommendations and results.

Ms. Tara Matthews will assume the role of Principal-in-Charge for this engagement. Ms. Matthews will be assisted by Mr. Dima Galkin, Associate and Project Manager, and Brett Poirier, Research Assistant. Ms. Matthews, will be the primary contact for this engagement. Additionally, other RSG staff may be assigned as needed. Staff resumes can be found on our company website under the following link: www.webrsg.com/team.

FEES

Our services for this engagement would be charged on a time-and-materials basis. RSG does not charge clients for travel or mileage (except direct costs related to field work/surveys), parking, standard telephone/fax expenses, general postage, or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs, and teleconferencing services. Any third party data required may also be charged to the client; typical examples include copies of the equalized assessment

roll and CoStar Market data. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended, and the hourly rate.

HOURLY BILLING RATES:

Principal/Director	\$ 235
Senior Associate	180
Associate	160
Senior Analyst	135
Analyst	125
Research Assistant	110
Technician	80
Clerical	60
Reimbursable Expenses	Cost plus 10%

We will provide these services on a time-and-materials basis, with a not to exceed amount of **\$25,000** to undertake these assignments for the City and Successor Agency. The scope of work in this proposal qualifies as successor agency administrative activities eligible to be funded as part of the ROPS. The Successor Agency, the Oversight Board, and DOF will review the aforementioned amount as part of the Fiscal Year 2016-17 administrative budget for the Successor Agency.

We appreciate the opportunity to submit our proposal. If this proposal is acceptable as written, please sign where indicated and return to our office at your earliest convenience. Thank you for the opportunity to assist the City. If you have any questions, please do not hesitate to contact me.

Sincerely,
ROSENOW SPEVACEK GROUP, INC.



Tara Matthews
Principal

APPROVED AND AUTHORIZED TO PROCEED:

Signature: _____

Printed
Name: _____

Title: _____

Date: _____

REQUIRES CITY COUNCIL CONSIDERATION

Intersection or Road Segment	Issues of Concern										Potential Studies to be Completed					Notes		
	Collisions	Sight Distance	Speeding	Parking	Potential Safety Concern	Capacity	Unsafe Travel	All-Way STOP Warrants	Two-Way STOP Warrants	Intersection Line of Sight Evaluation	Traffic Signal Warrants	Traffic Signal Modifications	Protective Left Turn Phasing	Engineering & Traffic Survey (Speed Study)	Segment and/or Intersection Geometrics		Signage & Markings	Traffic Calming Measures
Last Update December 16, 2015																		
First St at Atwater Blvd	X	X						X			X							Should all-way stops be installed. Signal Warrants are met, therefore data in support of the installation of All-Way STOPs as an interim measure while the City secure funding for the construction of the traffic signal was prepared and provided to the City on July 16, 2015. Requires Council Approval before All Way STOPs are installed.
Olive Ave at Winston Way	X				X			X			X							Install All-Way Stop as interim until new Traffic Signal is Constructed
Capitola Ave at Fruitland Ave								X										All-way Stops stalled without meeting warrants. Redo All-way STOP warrants and determine if Stops on Fruitland Avenue should be removed.
Chardonney Ave at Fruitland Ave											X							All-way Stops installed without meeting warrants. Redo All-way STOP warrants and determine if Stops on Fruitland Avenue should be removed. Data information City that the intersection does not meet all-way STOP warrants was presented to the City of September 2, 2015. Further discussions on this matter took place at the CD&R Commission meeting of 10/21/2015. The CD&R recommended that this item move forward to remove the STOPs for Fruitland Avenue and that a "CROSS TRAFFIC DOES NOT STOP" warning sign be installed for Chardonney. Final decision to be made by the City Council.
Fruitland Avenue at Orchard Park Avenue																		Should WB Stop be removed? JLB studied this location including a sight distance evaluation and it was determined not to be an issue. Therefore it was recommended that the westbound STOP signs could be removed. This recommendation was presented to the CD&R and they have recommended that the City Council consider its removal. Before this item is heard by the City Council, City shall first notice its removal on a major distribution paper that serves Atwater. Add notices at the intersection as well. If the council approves then we would prepare a work order to include the removal of the stop sign and markings but add other appropriate signage and markings necessary for this "T" shape roads.

REQUIRES CDR CONSIDERATION

Intersection or Road Segment	Issues of Concern						Potential Studies to be Completed						Notes					
	Collisions	Sight Distance	Speeding	Parking	Potential Safety Concern	Capacity	Unsafe Travel	All-Way STOP Warrants	Two-Way STOP Warrants	Intersection Line of Sight Evaluation	Traffic Signal Warrants	Traffic Signal Modifications		Protective Left Turn Phasing	Engineering & Traffic Survey (Speed Study)	Segment and/or Intersection Geometrics	Signage & Markings	Traffic Calming Measures
Last Update December 16, 2015																		
First St at Juniper Ave	X				X						X							X
Shaffer Rd at Fruitland Ave	X	X									X				X			X

Is a traffic signal warranted?

PD has indicated that Fruitland Avenue as it approaches Shaffer Road needs to be raised to improve line of sight to oncoming southbound traffic. May be a good candidate for HSIP grant funding. A collision analysis of this intersection for up to a ten year timeframe would be prudent if the City would like to explore applying for an HSIP grant to improve safety at this intersection. A sight distance analysis would also be recommended.

REQUIRES FUTURE STUDY

Intersection or Road Segment	Issues of Concern						Potential Studies to be Completed						Notes					
	Collisions	Sight Distance	Speeding	Parking	Potential Safety Concern	Capacity	Unsafe Travel	All-Way STOP Warrants	Two-Way STOP Warrants	Intersection Line of Sight Evaluation	Traffic Signal Warrants	Traffic Signal Modifications		Protective Left Turn Phasing	Engineering & Traffic Survey (Speed Study)	Segment and/or Intersection Geometrics	Storage & Markings	Traffic Calming Measures
Last Update December 16, 2015	Commerce Ave at Driveway between Target and Wall*Maart	X						X		X								Should all-way stops be installed. All way STOP warrants completed on July 16th, Warrants not met. Continue to monitor activity at this location.
	Juniper at Liberty	X						X										Should stops be installed
	Sierra Vista at Drakeley Ave							X										Should stops be installed on Sierra Vista
	Castle St at Drakeley Ave							X										STOPS in east west Direction
	Linden Street between Bellevue and First Street	X		X				X						X			X	As part of the ATP infrastructure grant application we are including bulb-outs and high visibility crosswalks at this location to provide traffic calming
	Linden St at Mulberry St					X		X										STOP for eastbound Mulberry
	Maple St at Drakeley Ave					X		X										STOP sign for WB Drakeley Ave
	Dolores St at Juniper Ave					X		X										STOP sign for NB Dolores St
	Seventh St at Laurel Ave					X			X									There is an existing STOP for SB Seventh St, PD suggest that we consider adding a STOP for WB Laurel Ave. May need to see if the STOP should only be for NB Seventh St.
	First St - Shaffer Rd at Bellevue Road													X				PD has observed EB traffic using the inner WB left (WB Dual Lefts exist) to make an EB left turn onto the Walgreens and McDonalds. How can this segment of Bellevue be modified to eliminate driver confusion. PD Suggests the installation of a raised median island along Bellevue Road.
Shaffer Rd at Thomas Oleata School				X													PD suggests the installation of No Parking signs on the west side of Shaffer Road in front of the School. A detail review of this area should be conducted to produce a SRTS project for Active Transportation Projects funding in Cycle 3 anticipated to be out in April 2016. Issues such as parking, shorter crossing distances, pedestrian lighting and traffic calming measures can be implemented in an ATP project. Currently ATP does not require a local match.	
Linden St at Palm Ave			X				X						X				As part of the ATP infrastructure grant application we are including bulb-outs and high visibility crosswalks at this location to promote traffic calming	
Bell Dr west of Bell Ln					X		X								X		Prohibit WB to EB U-Turns. Real only way to solve this is to allow SB to NB U-turns at the signalized intersection of Bell Ln at Bell Dr.	
Bellevue/Shaffer/First Intersection					X												Should intersection be converted to a four way intersection by rerouting First Street?	
Fruitland Avenue at Virginia St.																	Should all way stops be installed at Fruitland and Kansas Avenue? IT is recommended that it may be best to study the intersection of Fruitland Avenue at Virginia Street as it would likely have more conflicts in traffic and pedestrian and bicyclist activities at this location may likely be higher. CD&R and City staff should determine the actual intersection to be studied.	
Bellevue E/O Shaffer Medians					X									X				Can a raised median be accommodated on Bellevue between Shaffer and Brownwell?
Winton Way TWLTL					X									X				Can a TWLTL be accommodated on Winton Way south of Bellevue?
Atwater Blvd Just south of North City Limits	X		X		X													Complaints on speeding and unsafe turns have been reported. Some options to consider can be the installation of a raised median which allows southbound left turns into the flea market but precludes left out of the flea market. Additionally some reduced speed ahead signs or dynamic radar signs that inform drivers of their speed and the regulatory speed for this roadway. Items need to take into account that north of the canal is in the jurisdiction of the County and that physical changes to the roadway need to account for the width of the existing bridge.

COMPLETED PROJECTS

Intersection or Road Segment	Issues of Concern						Potential Studies to be Completed								Notes			
	Collisions	Sight Distance	Speeding	Parking	Potential Safety Concern	Capacity	Unsafe Travel	All-Way STOP Warrants	Two-Way STOP Warrants	Intersection Line of Sight Evaluation	Traffic Signal Warrants	Traffic Signal Modifications	Protective Left Turn Phasing	Engineering & Traffic Survey (Speed Study)		Segment and/or Intersection Geometrics	Signage & Markings	Traffic Calming Measures
Last Update December 16, 2015 1000 Block of Commerce Ave (near Radio Shack)	X	X						X										Should all-way stops be installed. Data in support of All-Way STOPS sent to City on July 15, 2015. Requires Council Approval before All Way STOPS are installed.