



CITY OF ATWATER

CITY COUNCIL AND REDEVELOPMENT AGENCY

ACTION MINUTES

February 9, 2009

CALL TO ORDER: (Closed Session)

The City Council of the City of Atwater met in closed session this date at 5:00 PM in Conference Room A of City Hall, 750 Bellevue Road, Atwater, California; Mayor Faul presiding.

ROLL CALL:

Present: Councilmembers Crabb, Frago, Rivero, Mayor Faul presiding.
Absent: None
Staff Present: City Manager Wellman, Assistant City Manager Feathers, Deputy City Attorney Sanchez, Director of Economic Development and Special Projects, Community Development Director Woods, Deputy Director of Engineering Guillette, City Clerk/Administrative Manager Del Real.

1. Pursuant to Government Code Section 54956.9a, regarding potential litigation. Number of cases (2)
2. Conference with Legal Counsel-Existing Litigation-Government Code Section 54856.9(b)-(one case)-Name of Case: Valley Advocates and Robert B. Friesen v. City of Atwater and Atwater City Council; Case No. CU151667.
3. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator regarding potential right of way acquisition. Agency Negotiator: Scott McBride, Director of Economic Development and Special Projects:

Property Location: APN No. 001-122-008 Atwater Boulevard

Closed Session adjourned at 5:47 PM.

CALL TO ORDER: (Regular Session)

The City Council and Board of Directors of the Atwater Redevelopment Agency of the City of Atwater met in regular session this date at 6:00 PM in the Council Chambers, 750 Bellevue Road, Atwater, California; Mayor/Presiding Officer Faul.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Boy Scout Troop 129 presented the Colors and led the Pledge of Allegiance.

INVOCATION:

The invocation was given by Police Chaplain Steve Mead.

ROLL CALL:

Present: Council Members/Board Members Crabb, Frago, Rivero, , Mayor/Presiding Officer Faul

Absent: None

Staff Present: City Manager/Executive Director Wellman, Assistant City Manager/Agency Treasurer Feathers, Deputy City Attorney/Legal Counsel Sanchez, Cal Fire Chief Newman, Police Chief Hawthorne, Public Works Director Church, Director of Economic Development and Special Projects McBride, Community Development Director Woods, Parks and Community Services Director Faretta, City Clerk/Administrative Manager/Agency Secretary Del Real, Assistant City Clerk Waterman.

MAYOR REPORT OUT FROM CLOSED SESSION:

No reportable action was taken, staff was given direction.

CEREMONIAL MATTERS:

Boy Scouts of America "Scout Sunday".

Assistant City Clerk Waterman read the proclamation. Mayor Faul and Councilmember River presented the proclamation and thanked Boy Scout Troop 129, Mrs. Cooper and Mr. Kamesch. Mayor Faul and Councilmember Rivero also congratulated Ivaleine Cooper for receiving the Silver Beaver Award.

Outgoing Traffic Commissioner Brunger.

Mayor Faul and Police Chief Hawthorne thanked outgoing Traffic Commissioner Brunger for his service with the City as Traffic Commissioner.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

No one came forward to speak at this time.

REPORTS AND PRESENTATIONS: *None.*

CONSENT CALENDAR:

The notice to the public was read.

MOTION: *Mayor Pro Tem Frago moved to approve the consent calendar. The motion was seconded by Councilmember Crabb and the vote was: Ayes: Rivero, Frago, Crabb, Faul; Noes: None; Absent: None. The motion carried.*

8. WARRANTS: (City Council/Board of Directors)

a) February 9, 2009

ACTION: *Warrants number 45235 through 45460 in the amount of \$353,954.54 were approved.*

9. TREASURER'S REPORT: (Note to the Public: Generally, Financial reports are provided to the City Council at the second meeting of the month covering the City's financial activities for the month immediately prior). ***None.***

10. MINUTES: (City Council and Redevelopment Agency Board of Directors):

- a) Special meeting, December 8, 2008
- b) Regular meeting, January 12, 2009
- c) Regular meeting, January 26, 2009

ACTION: *Approval of minutes as listed.*

11. MINUTES/REPORTS COMMISSIONS/COMMITTEES:

a) Planning Commission meeting, December 10, 2008

ACTION: *Acceptance of minutes as listed.*

12. CALL FOR BIDS: ***None.***

13. AWARD OF BIDS: ***None.***

14. RESOLUTIONS:

a) Declaring NEC-Aspire Phone System surplus equipment.

ACTION: *Adoption of Resolution No. 2430-09 declaring the NEC-Aspire Phone System surplus equipment; and authorizing and directing the City Manager or his designee to dispose of the surplus equipment.*

- b) Delegating authority to administer and manage claims and actions against the City of Atwater.

ACTION: *Adoption of Resolution No. 2432-09 delegating authority to administer and manage claims and actions against the City of Atwater or its officers or employees and claims and actions of the City of Atwater.*

15. AGREEMENTS: *None.*

16. PUBLIC IMPROVEMENTS: *None.*

17. MAPS: *None.*

18. REPORTS: *None.*

19. ORDINANCES (WAIVING SECOND READING): *None.*

20. CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the city Clerk's office at (209) 357-6300). *None.*

21. FUNDING AND BUDGET MATTERS: *None.*

22. ANNUAL PETITIONS: *None.*

PETITIONS AND COMMUNICATIONS: *None.*

PUBLIC MEETINGS/HEARINGS:

Public hearing to review CDBG 2009-2010 Program Year eligible activities.

A sign in sheet was circulated for compliance.

The public hearing for this item was opened.

No one came forward to speak at this time. The public hearing was closed for this item.

MOTION: *Mayor Pro Tem Frago moved to review CDBG eligible activities for the 2009/2010 Program Year and accept the report. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Frago, Crabb, Rivero, Faul; Noes: None; Absent: None. The motion carried.*

ORDINANCES (INTRODUCTION): *None.*

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS:

Designating Buhach Road Improvement Project for Proposition 1B funding and approving a Budget Amendment for the project.

MOTION: Mayor Pro Tem Frago moved to adopt Resolution No. 2424-09 designating Buhach Road improvements-Veteran's Park Project as a Proposition 1B project; and adopt Resolution No. 2425-09 approving Budget Amendment No. 13 regarding Buhach Road Improvements-Veteran's Park Project. The motion was seconded by Councilmember Crabb and the vote was: Ayes: Frago, Crabb, Rivero, Faul; Noes: None; Absent: None. The motion carried.

Budget Amendment for Business Park Feasibility Study and Amendment to Professional Service Agreement to perform the study.

MOTION: Councilmember Crabb moved to adopt Resolution No. 2431-09 approving Budget Amendment No. 9 regarding Economic Development Administration (EDA) Grant-Business Park Feasibility Study; and amend Professional Services Agreement between the City of Atwater and Merced County Economic Development Corporation (MCEDCO) to implement the EDA funded Business Park Feasibility Study for the north Santa Fe Drive-Wallace Road Area. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Crabb, Rivero, Frago, Faul; Noes: None; Absent: None. The motion carried.

COMMENTS FROM THE PUBLIC:

No one came forward to speak at this time.

CITY COUNCIL/REDEVELOPMENT BOARD OF DIRECTORS MATTERS:

Mayor Pro Tem Frago had nothing to report.

Councilmember Crabb recognized the Boy Scouts. He attended the Merced County/City dinner on January 27, 2009 in Los Banos. Councilmember Crabb also attended the San Joaquin Valley Clean Air Board in Fresno on January 29, 2009 where he was able to postpone the vote to eliminate the City of Atwater and Merced County from having a voice for seven years. He also participated in a Ride-A-Long with the Police Department.

Councilmember Rivero recognized the Den Mothers for the Boy Scouts of America. He thanked staff for their work on the sidewalks and pot holes within the City. Councilmember Rivero congratulated Tina Villaneueva on being elected as school president for Shaffer School.

Mayor Faul thanked all who participated in the Lobster Feed hosted by the Rotary Club. She thanked the Boy Scouts and Ivaleine Cooper for her contributions to Scouting. Mayor Faul reminded the public that City offices will be closed on Monday, February 16, 2009 in observance of President's Day.

CLOSED SESSION:

Not necessary.

ADJOURNMENT:

The meeting adjourned at 6:31 PM.

JEANNA DEL REAL
CITY CLERK

By Lori Waterman