



CITY OF ATWATER

CITY COUNCIL AND REDEVELOPMENT AGENCY

ACTION MINUTES

January 26, 2009

WORKSHOP:

Atwater/Merced Expressway and Applegate Interchange PSR (MCAG and Cal Trans).

MCAG, Cal Trans and Mark Thomas & Co. gave a verbal update on the Atwater/Merced Expressway and Applegate Interchange PSR.

CALL TO ORDER: (Special Session)

The City Council of the City of Atwater met in special session this date at 4:00 PM in the Council Chambers of City Hall, 750 Bellevue Road, Atwater, California; Mayor Faul presiding.

ROLL CALL:

Present: Councilmembers Crabb, Rivero, Mayor Pro Tem Frago, Mayor Faul presiding.

Absent: None

Staff Present: City Manager Wellman, City Attorney Myers, Assistant City Manager Feathers, Community Development Director Woods, Director of Economic Development and Special Projects McBride, City Engineer Hollstein, Senior Planner Hendrix, City Clerk/Administrative Manager Del Real, Assistant City Clerk/Personnel Technician Waterman.

Guests: Jess Brown, MCAG; Peter Jemerigbe, Sayed Hashemyan, Cal Trans; Jim Sims, Mark Thomas & Co.

Special Session adjourned at 4:39 PM.

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, Rivero, Mayor Pro Tem Frago, Mayor Faul presiding.*

Absent: *None*

Staff Present: *City Manager Wellman, City Attorney Myers, Assistant City Manager Feathers, Community Development Director Woods, Director of Economic Development and Special Projects McBride, City Clerk/Administrative Manager Del Real.*

1. Pursuant to Government Code Section 54956.9a, regarding potential litigation. Number of cases (1)
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. U151667.
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 5:55 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 6:01 PM in the Council Chambers, 750 Bellevue Road, Atwater, California; Mayor/Presiding Officer Faul.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Pledge of Allegiance was led by City Manager Wellman.

INVOCATION:

The invocation was given by Police Chaplain Jimmy Taylor.

ROLL CALL:

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

Absent: None

Staff Present: City Manager/Executive Director Wellman, Assistant City Manager/Agency Treasurer Feathers, City Attorney/Legal Counsel Myers, Cal Fire Batallion Chief Banks, Police Chief Hawthorne, Assistant Police Chief Pietro, Public Works Director Church, Director of Economic Development and Special Projects McBride, Community Development Director Woods, City Engineer Hollstein, Senior Planner Hendrix, Project Manager Carrington, Parks and Urban Forestry Manager Tassej, 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:

Certificate of recognition to outgoing Traffic Commissioner.

By consensus this item was continued to the Regular City Council meeting of February 9, 2009.

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.

Councilmember Rivero removed agenda items 8(c) and 8(d) from the consent calendar for discussion.

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

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

- a) January 26, 2009

ACTION: Warrants number 36629 through 36637 and 45100 through 45234 in the amount of \$399,197.36 were approved.

7. 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).

December 31, 2008

ACTION: Acceptance of report as listed.

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

- a) Special meeting, December 2, 2008
- b) Special meeting, December 3, 2008
- c) Regular meeting, December 8, 2008 *removed*
- d) Regular meeting, January 12, 2009 *removed*

ACTION: Approval of minutes as listed.

9. MINUTES/REPORTS COMMISSIONS/COMMITTEES:

- a) Traffic Commission meeting, November 20, 2008
- b) Audit and Finance Committee meeting, December 16, 2008

ACTION: Acceptance of minutes as listed.

10. CALL FOR BIDS: *None.*

11. AWARD OF BIDS: *None.*

12. RESOLUTIONS: *None.*

13. AGREEMENTS: *None.*

14. PUBLIC IMPROVEMENTS:

Traffic Signal at Bellevue Road and Redwood Avenue.

ACTION: Acceptance of work done under contract for Traffic Signal at Bellevue Road and Redwood Avenue, Project No. 07-10, Bid Call No. 624-08 as complete; and authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorize a final payment in the amount of \$10,945.15.

15. MAPS: *None.*

16. REPORTS: *None.*

17. ORDINANCES (WAIVING FIRST READING):

Amending contract per California Public Employees' Retirement System requirements for Miscellaneous Group.

ACTION: Adoption of Resolution No. 2422-09 declaring intention to approve an amendment to the contract between the City Council of the City of Atwater and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to provide Section 21335 (4% Cost-of-Living Allowance Increase, Base Year 2008) for local miscellaneous members; and

Waiving the first reading and introducing Ordinance No. CS 903 authorizing an amendment to the contract between the Board of Administration, California Public Employees' Retirement System and the City Council of the City of Atwater; and authorize the Mayor to execute the amendment on behalf of the City.

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

19. 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.*

20. FUNDING AND BUDGET MATTERS: *None.*

21. ANNUAL PETITIONS: *None.*

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

- c) Regular meeting, December 8, 2008
- d) Regular meeting, January 12, 2009

MOTION: Councilmember Rivero moved to remove these items from this agenda and bring back at the regular meeting of February 9, 2009. The motion was seconded by Mayor Pro Tem Frago and the vote was: Ayes: Crabb, Frago, Rivero, Faul; Noes: None; Absent: None. The motion carried.

PETITIONS AND COMMUNICATIONS: *None.*

PUBLIC MEETINGS/HEARINGS:

Public Hearing to introduce Ordinance No. CS 899 amending various chapters in Title 17 "Zoning".

Mayor Faul stated she had a conflict of interest and she reclused herself from this item and stepped down from the dais.

Mayor Pro Tem Frago consulted with City Attorney Myers then split the item to discuss the first proposed code amendment regarding carports and opened the public hearing for this item.

MOTION: *Councilmember Crabb moved to continue the public hearing for this item to the regular City Council meeting of March 9, 2009. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Rivero, Crabb, Frago; Noes: None; Absent: Faul. The motion carried.*

Mayor Faul returned to the dais to continue the second, third and fourth proposed code amendments.

The public hearing for these items was not opened.

MOTION: *Mayor Pro Tem Frago moved to continue these items to the regular City Council meeting of March 9, 2009. The motion was seconded by Councilmember Crabb 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:

Budget Amendment for property acquisition for Low-Mod Housing Project; and purchase of real property located on Cedar Avenue.

MOTION: *Councilmember Crabb moved to adopt Resolution No. ARA 2009-3 approving Budget Amendment No. 11 regarding property acquisition on Cedar Avenue for Low-Mod Housing; and adopt Resolution No. ARA 2009-4 approving the purchase of real property located at 980 Cedar Avenue, APN 003-071-001 in the amount of \$139,000, authorizing the use of Atwater Redevelopment Agency Tax Increment Funds for acquisition costs and authorizing the execution of the Purchase Agreement, in a form approved by Legal Counsel, Grant Deed, Acceptance Document and any other related items on behalf of the Agency. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Crabb, Frago, Rivero, Faul; Noes: None; Absent: None. The motion carried.*

Fire Department Inspection Fee Program.

MOTION: *Mayor Pro Tem Frago moved to set a public hearing date of February 23, 2009 to consider resending the fire fees completely. The motion was seconded by Councilmember Crabb and the vote was: Ayes: Rivero, Crabb, 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:

Councilmember Crabb thanked everyone who attended the Merced County Chamber Installation dinner. He invited the public to attend the City of Atwater Chamber of Commerce luncheon to be held at the Atwater Community Center on January 28, 2009.

Mayor Pro Tem Frago did not have any comments.

Councilmember Rivero congratulated Ivy Cooper for obtaining the Local Scouts award. "Great Job!"

Mayor Faul also congratulated Ivaleine Cooper for her hard work with the Scouts. Faul also thanked Public Works Streets Manager Sorensen and the Public Works Department for their hard work in putting in the new lighting at City Hall. She also thanked Parks and Urban Forestry Manager Tassej and his crew for their great job with the landscaping of City Hall. Mayor Faul announced the Rotary lobster feed to be held on February 7, 2009 at the APC Hall in Atwater.

CLOSED SESSION:

Not necessary.

ADJOURNMENT:

Mayor Faul adjourned the meeting in honor of John Parreira.

The meeting adjourned at 7:09 PM.

JEANNA DEL REAL
CITY CLERK

By Lori Waterman