



CITY OF ATWATER

CITY COUNCIL AND REDEVELOPMENT AGENCY

ACTION MINUTES

January 12, 2009

CALL TO ORDER: (Special Session)

The City Council of the City of Atwater met in closed 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, Frago, Rivero, Mayor Faul presiding.
Absent: None
Staff Present: City Clerk/Administrative Manager Del Real, Assistant City Clerk/Personnel Technician Waterman

Special Session adjourned at 4:44 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, Frago, Rivero, Mayor Faul presiding.
Absent: None
Staff Present: City Manager Wellman, Assistant City Manager Feathers, City Attorney Myers, City Clerk/Administrative Manager Del Real.

1. Pursuant to Government Code Section 54956.9a, regarding potential litigation. Number of cases (3)

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

4. Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator. Agency Negotiator: Stanley E. Feathers, Assistant City Manager. Proposed Bargaining Unit: Mid Management Group

Closed Session adjourned at 5:58 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:

Pledge of Allegiance was led by Councilmember Rivero.

INVOCATION:

The invocation was given by Police Chaplain Jimmy Taylor.

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, City Attorney/Legal Counsel Myers, Cal Fire Batallion Chief Banks, Police Chief Hawthorne, Public Works Director Church, Director of Economic Development and Special Projects McBride, City Clerk/Administrative Manager/Agency Secretary Dal Real, Assistant City Clerk Waterman.

MAYOR REPORT OUT FROM CLOSED SESSION:

No reportable action was taken, staff was given direction.

CEREMONIAL MATTERS:

Certificates of recognition to winners of the "Mayor's Christmas House Decorating Contest".

Mayor Faul thanked the Atwater High FFA students and their advisor for their efforts in judging the "Mayor's Christmas House Decorating Content" and presented certificates to the winners.

MOTION: Councilmember Crabb moved to amend the agenda to move agenda item number 33a to ceremonial. The motion was seconded by Councilmember Frago and the vote was: Crabb, Frago, Rivero, Faul; Noes; None; Absent: None. The motion carried.

Mayor Faul read the proclamation and made the presentation to Mary Cardoza's Family.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

PETE ROBINSON, Atwater, expressed his condolences to the Rivero Family. He raised the question is the City using it's reserve fund?

No one else came forward to speak at this time.

REPORTS AND PRESENTATIONS:

Update on Cal Fire (Verbal report by Battalion Chief Martin)

MOTION: Councilmember Frago moved to receive the verbal report. The motion was seconded by Councilmember Crabb and the vote was: Ayes: Rivero, Frago, Crabb, Faul; Noes: None; Absent: None. The motion carried.

Update on Gang Task Force (Verbal report by Police Chief Hawthorne)

MOTION: Councilmember Frago moved to receive the verbal report. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Rivero, Frago, Crabb, Faul; Noes: None; Absent: None. The motion carried.

Mayor Faul called a recess at 7:21 PM.

The City Council returned to the dais at 7:30 PM and the Mayor resumed the meeting.

CONSENT CALENDAR:

The notice to the public was read.

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

9. **WARRANTS:** (City Council/Board of Directors)

- a) December 18, 2008
- b) January 9, 2009

ACTION: *Warrants number 36596 through 36603 and 44853 through 45090 in the amount of \$327,492.09 were approved.*

10. **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).

November 30, 2008

ACTION: *Acceptance of report as listed.*

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

- a) Regular meeting, November 19, 2008
- b) Special meeting, December 17, 2008

ACTION: *Approval of minutes as listed.*

12. **MINUTES/REPORTS COMMISSIONS/COMMITTEES:**

- a) Planning Commission meeting, September 24, 2008
- b) Traffic Commission meeting, October 16, 2008
- c) Audit and Finance Committee meeting, November 18, 2008

ACTION: *Acceptance of minutes as listed.*

13. **CALL FOR BIDS:** *None.*

14. **AWARD OF BIDS:** *None.*

15. **RESOLUTIONS:**

- a) Resolution supporting Congressman Cardoza's efforts to reduce fixed mortgage interest rates.

ACTION: *Adoption of Resolution No. 2418-09 supporting Congressman Cardoza's efforts to reduce fixed mortgage interest rates.*

- b) Purchase of a portion of real property on Atwater Boulevard for future right of way.

ACTION: Adoption of Resolution No. 2420-09 approving the purchase of a portion of Assessors Parcel Number 001-122-009, for future right of way, in an amount not to exceed \$12,000; authorize the payment of escrow and closing costs in an amount not to exceed \$3,000; authorize the City Manager or his designee to prepare and execute the purchase contract, in a form approved by the City Attorney, escrow instructions and any other documentation related to the purchase on behalf of the City.

16. AGREEMENTS: None.

17. PUBLIC IMPROVEMENTS:

Accepting security block wall and parking lot improvements at City Hall.

ACTION: Acceptance of work done under contract for Security Block Wall and Parking Lot Improvements at City Hall, Project No. 08-2; Bid Call No. 621-08 as complete; authorize 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 \$10,659.51.

18. MAPS: None.

19. REPORTS: None.

20. ORDINANCES (WAIVING SECOND READING): None.

21. 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

22. FUNDING AND BUDGET MATTERS:

Budget Amendment for property acquisition for Low-Mod Housing Project; and Purchase and Sale of real property located on Bell Drive.

ACTION: Adoption of Resolution No. ARA 2009-1 approving Budget Amendment No. 10 regarding property acquisition for Low-Mod Housing; and adoption of Resolution No. 2421-09 and Resolution No. ARA 2009-2 approving Purchase and Sale Agreement between the City of Atwater and the Atwater Redevelopment Agency for real property identified as APN 001-134-012, a 5.66 acre parcel located on Bell Drive; authorize an intra fund asset transfer within the Atwater Redevelopment agency for real property identified as APN 001-134-015 to the Agency Low and Moderate Income Fund; authorize the use of Atwater Redevelopment Agency Tax Increment Funds and Atwater Redevelopment Agency Affordable Housing Bonds, Series B, for acquisition costs; and authorize

the execution of the Purchase and Sale Agreement in a form approved by the City Attorney/Legal Counsel, Grant Deed, Acceptance Document and any other related items on behalf of the City and Agency.

23. ANNUAL PETITIONS:

Annual Meeting Schedule Calendar.

ACTION: *Acceptance of the 2009 Regular Meeting Schedule; when regular meetings are cancelled, 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.*

PETITIONS AND COMMUNICATIONS: None.

PUBLIC MEETINGS/HEARINGS:

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

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: *Councilmember Crabb moved to continue the Public Hearing to the regular City Council meeting of January 26, 2009. The motion was seconded by Councilmember Frago and the vote was: Ayes: Frago, Crabb, Rivero, Faul; Noes: None; Absent: None. The motion carried.*

Public Hearing for amending certain Building Permit Fees.

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: *Councilmember Frago moved to adopt Resolution No. 2416-09 amending certain Building Permit Fees. The motion was seconded by Councilmember Crabb and the vote was: Ayes: Crabb, Rivero, Frago, Faul; Noes; None; Absent: None. The motion carried.*

Public Hearing for refunding certain Building Permit Fees.

The public hearing for this item was opened.

PETE ROBINSON, Atwater, *thanked the staff for their efforts in correcting the fees.*

The public hearing for this item was opened.

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

MOTION: *Councilmember Crabb moved to adopt Resolution No. 2417-09 authorizing refunding certain Building Permit Fees. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Frago, Crabb, Rivero, Faul; Noes: None; Absent: None. The motion carried.*

Public Hearing approving revisions to Homebuyer and Housing Program participation guidelines and Program Income Reuse Plan.

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: *Councilmember Rivero moved to adopt Resolution No. 2419-09 approving revisions to CDBG, Home and CalHOME Homebuyer Assistance Program participation guidelines, Housing Rehabilitation Program participation guidelines and CDBG Program Income Reuse Plan. The motion was seconded by Councilmember Frago and the vote was: Ayes: Crabb, Frago, Rivero, Faul; Noes: None; Absent: None. The motion carried.*

ORDINANCES (INTRODUCTION):

An Urgency Ordinance of the City Council amending Section 16.36.010 of the Atwater Municipal Code relating to Security for Subdivision Improvement Agreements.

Attorney Brady McGuinness spoke on behalf of the Developer.

MOTION: *Councilmember Crabb moved to waive the reading and adopt Urgency Ordinance No. CS 902 amending Section 16.36.010 of the Atwater Municipal Code relating to security for subdivision improvement agreements. The motion was seconded by Councilmember Frago and the vote was: Ayes: Crabb, Rivero, Faul; Noes: Frago; Absent: None. The motion failed.*

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS:

None.

COMMENTS FROM THE PUBLIC:

No one came forward to speak at this time.

CITY COUNCIL/REDEVELOPMENT BOARD OF DIRECTORS MATTERS:

Appointment of Commissioners.

Scheduled vacancies-Four Year Terms

a) Planning (1)

MOTION: Councilmember Crabb moved to appoint Craig Mooneyham to the Planning Commission. The motion was seconded by Councilmember Frago and the vote was: Ayes: Frago, Rivero, Crabb, Faul; Noes: None; Absent: None. The motion carried.

b) Traffic (1)

MOTION: Councilmember Crabb moved to appoint Fred Warchol to the Traffic Commission. The motion was seconded by Councilmember Frago and the vote was: Ayes: Crabb, Rivero, Frago, Faul; Noes: None; Absent: None. The motion carried.

c) Parks and Recreation (2)

MOTION: Councilmember Frago moved to appoint Curtis Boyenga and Greg McDaniel to the Parks and Recreation Committee. The motion was seconded by Councilmember Crabb and the vote was: Ayes: Rivero, Frago, Crabb, Faul; Noes: None; Absent: None. The motion carried.

Reorganization of City Council:

1) Mayor Pro Tem – Gary Frago

2) Committee Assignments

- b) Merced County Association of Governments (1 representative **Faul** and 1 alternate **Crabb**)
- c) League of California Cities Central Valley Division (1 representative **Faul** and 1 alternate **Rivero**)
- d) Merced County Economic Development Corporation (1 representative **Crabb**)
- e) City Audit and Finance Committee (2 representatives **Crabb/Frago**)
- f) City Public Safety Committee (2 representatives **Faul/Frago**)
- g) City Public Works Committee (2 representatives **Frago/Rivero**)
- h) LAFCO (1 representative **Faul**)

- i) Atwater Community Services/Neighborhood Watch (1 representative **Rivero**)
- j) USP/Atwater Community Liaison Group (1 representative **Faul**)
- k) One Voice (1 representative **Crabb**)

- l) San Joaquin Valley Air Pollution Control District (1 representative **Crabb** and 1 alternate **Faul**)
- m) 4th of July Committee (1 representative) **None**

MOTION: *Councilmember Crabb moved to ratify Committee assignments. The motion was seconded by Councilmember Rivero and the vote was: Ayes: Rivero, Crabb, Frago, Faul; Noes: None; Absent: None. The motion carried.*

Councilmember Rivero expressed his condolences to the McMahan and Cardoza Family's. He thanked all the applicants who applied to the committee's. Rivero also spoke regarding different areas within the City with pot holes and sidewalks in need of repair.

City Manager Wellman addressed this, stating the Public Works Streets Manager Sorensen and Public Works Director Church are aware of the areas, and will be addressing them, weather permitting. He also stated there is a streets plan available if Council is interested in reviewing.

Mayor Pro Tem Frago reminded everyone to turn on the headlights when driving in the fog, as this is very dangerous in the school zones. He sent his condolences also to the Cardoza Family, and hoped everyone had a good Christmas and New Year.

Councilmember Crabb sent his prayers to the Cardoza Family. He announced the Merced County Chamber of Commerce installation dinner will be held on January 17, 2009.

Mayor Faul congratulated Councilmember Crabb on his second term as President of the Merced County Chamber of Commerce. She also congratulated Mr. Thurber for being a finalist in the "Home Built Automobile" contest. Faul thanked the Kops/Fire 4 Kids toy drive, stating we needed it this year more than ever. Mayor Faul wished everyone a Happy New Year.

CLOSED SESSION:

Not necessary.

ADJOURNMENT:

Adjourn in memory of:

- a) Mary Cardoza
- b) Chuck McMahan

Mayor Faul read the proclamation in honor of Planning Commissioner Chuck McMahan, and adjourned the meeting in honor of Mary Cardoza and Chuck McMahan.

Adjourn to Monday, January 26, 2009 at 4:00 PM in the City Council Chambers at 750 Bellevue Road, Atwater, to hold a workshop on Atwater/Merced Expressway and Applegate Interchange PSR.

The meeting adjourned at 8:45 PM.

JEANNA DEL REAL
CITY CLERK

By Lori Waterman