

**REGULAR MEETING OF THE CITY COUNCIL
June 26, 2006
MINUTES**

A regular meeting of the City Council was called to order at 7:00 p.m. by Mayor Cannella with the following in attendance.

PRESENT: Vice Mayor Phipps, Council Members Lane, Ochoa, Vierra, Mayor Cannella

ALSO PRESENT: City Manager, Brad Kilger; City Attorney, Mike Lyons; Director of Finance, Sheila Cumberland; Director of Management Services, Bonnie White Silveria; Interim Director of Planning & Community Development, Nancy Brown; Director of Public Works, Joe Hollstein; Director of Parks, Recreation and Facilities, Doug Lemcke; Director of Public Safety, Art de Werk; Deputy City Clerk Cynthia Heidorn.

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

- A. Introduction of Kenneth Craig new Community Development Director for the City of Ceres. Brad Kilger, City Manager introduced Mr. Kenneth Craig as the new Community Development Director for the City of Ceres stating that Mr. Craig's first day will be August 15, 2006. Mr. Craig addressed Council stating that he was looking forward to the opportunity of working for the City of Ceres.

APPROVAL OF THE MINUTES of the regular meeting of May 8, 2006 and the Study Session of June 15, 2006.

MOTION: Approve the minutes of May 8 and June 15, 2006 as recommended by staff.
MOVED: Moved by Phipps/seconded by Lane
VOTE: Motion passed unanimously. (5/0)

APPROVAL OF THE MINUTES of the Budget Workshop of June 7, 2006.

MOTION: Approve the minutes of the Budget Workshop of June 7, 2006.
MOVED: Moved by Lane/Seconded by Ochoa
VOTE: Motion passed with Councilmembers Phipps and Vierra abstaining. (3/0/2)

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (ten minutes). None

APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND CERTIFICATION OF POSTING

MOTION: Approve the agenda as posted (or amended) and certification of posting.
MOVED: Moved by Phipps/Seconded by Vierra
VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION

CONSENT CALENDAR

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

1. **General Correspondence – Information Only**
 - a. Finance Department Monthly Report for April, 2006.
 - b. Treasurer's Report for Jan., Feb., March and April, 2006.
 - c. Public Works Department Monthly Report for May, 2006.
 - d. Municipal Utilities Dept. monthly report for May 2006.
2. Register of Audited Demands dated June 1 – 15, 2006.
- 2a. Request to set date for Public Hearing for increase in certain engineering, planning and building inspection fees.
3. **Resolution No. 2006-109** approving payment for repairs of River Bluff Regional Park sprinkler system. ***Pulled for further discussion.***
4. Council approval of staff recommendation to modify the River Buff Regional Park storm drain basin to allow for increased capacity.
5. **Resolution No. 2006-110** adopting the Annual Statement of Investment Policy.
6. **Resolution No. 2006-111** amending the contract with C3 Design Alliance to include property and topographical survey for Fire Station No. 4.
7. **Resolution No. 2006-112** amending the Contract to include compensation to RHAA for construction assistance for Phase 4A of the Ceres River Bluff Regional Park lower portion.
8. **Resolution No. 2006-113** awarding the Asbestos Abatement and Lead Remediation Third/Magnolia Street Church Demolition project to Janus Corporation. (New Community Center)
9. **Resolution No. 2006-114** stating its intent and ordering the annexation of the Beckwith Parcel Map to the Landscape and Lighting District.
10. **Resolution No. 2006-115** establishing the City's inventories of excess property pursuant to Government Code Section 50569.
11. **Resolution No. 2006-116** approving an addendum to the Employment Agreement with the City Attorney adding an additional eight hours per week.

MOTION: Approve Consent Calendar Items 1a – d, 2, 2a, 4-11 as recommended by staff

MOVED: Moved by Vierra/Seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

ITEMS PULLED FOR FURTHER DISCUSSION

3. **Resolution No. 2006-109** approving payment for repairs of River Bluff Regional Park sprinkler system.

Councilmember Phipps asked for clarification that the costs were actually the City's responsibility.

Joe Hollstein, Director of Public Works confirmed that the City was responsible for the cost of the repairs.

MOTION: Approve Resolution No. 2006-109 approving payment for repairs of River Bluff Regional Park sprinkler system as recommended by staff.

MOVED: Moved by Phipps/Seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

PUBLIC HEARING

12. **Public Hearing - Resolution No. 2006-117** adopting the annual budget for the City of Ceres for the 2006-07 fiscal year beginning July 1, 2006 and ending June 30, 2007 and adopting the 2006-07 appropriations limitation.

Sheila Cumberland, Finance Director, gave a brief overview of the staff report.

The Public Hearing was opened at 7:10 p.m.

There being no one wishing to speak, the Public Hearing was closed at 7:11 p.m.

Council having no questions moved to approve.

MOTION: Approve **Resolution No. 2006-117** as recommended by staff.

MOVED: Moved by Vierra/Seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

13. **Protest Hearing** to the proposed increased amount of they FY 2006/07 assessment for the 1987 Landscape and Lighting District to begin July 1, 2006. **Resolution No. 2006-118** setting the fees for the 1987 Landscape and Lighting District for Fiscal Year beginning July 1, 2006. **Resolution No. 2006-119** certifying compliance with Proposition 218 for the assessment of the 1987 Lighting and District for Fiscal Year beginning July 1, 2006.

Joe Hollstein, Director of Public Works, presented an overview of the staff report.

The Protest Hearing was opened at 7:14 p.m.

There being no one wishing to speak, the Protest Hearing was closed at 7:15 p.m.

Council having no questions moved to approve.

MOTION: Approve **Resolutions No. 2006-118 and 2006-119** as recommended by staff

MOVED: Moved by Lane/Seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

14. **Public Hearing - Resolution No. 2006-120** confirming the annual report of the Ceres Downtown Area Revitalization Board for the 2006-07 fiscal year as originally filed and establishing the annual assessment levy for the 2006-07 fiscal year.

Nancy Brown, Interim Director of Planning and Community Development presented an overview of the staff report.

The Public Hearing was opened at 7:17 p.m.

There being no one wishing to speak, the Public Hearing was closed at 7:18 p.m.

Council having no questions moved to approve.

MOTION: Approve **Resolution No. 2006-120** as recommended by staff.

MOVED: Moved by Phipps/Seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

NEW BUSINESS

15. Council consideration of the closure of City Hall for observance of the Christmas and New Year Holidays on Tuesday, December 26, 2006, and Tuesday, January 2, 2007.

Bonnie White Silveria, Director of Management Services, gave an overview of the staff report explaining that current labor agreements state that if a holiday falls on a Sunday, Monday shall be observed as the holiday. Since Monday is also a holiday, Council has several options to consider regarding the Sunday holiday schedule including: 1) closing the offices on Friday and Monday of both weeks; 2) using the "eve" holidays as floating holidays to be taken at a later date; 3) not recognizing the Sunday holidays at all; 4) closing the offices on Monday and Tuesday of both weeks.

Councilmember Phipps stated that he was against the office closing at any time for four consecutive days.

MOTION: Approve the closure of City Hall for observance of the Christmas and New Year Holidays on Tuesday, December 26, 2007 and Tuesday, January 2, 2007 as recommended by staff.

MOVED: Moved by Vierra/Seconded by Lane

VOTE: Motion passed with Councilmember Phipps voting no. (4/1)

At 7:28 p.m. Council adjourned to the Ceres Redevelopment Agency Meeting

Council reconvened the City Council Meeting at 7:30 p.m.

16. **Resolution No. 2006-121** amending the 2005/06 Budget to appropriate funds for the Public Safety Commander retroactive salary increase. **Resolution No. 2006-122** amending the 2006/07 Budget to appropriate funds for the Public Safety Commander salary increase.

Art deWerk, Director of Public Safety addressed Council stating his concerns that the current salaries for the Public Safety Commander classification were disparate with salaries for the same position in surrounding cities and have been for several years. Staff is recommending that Council approve a 13.65% salary increase retroactive to January 2005, in an effort to correct a long time deficiency and to ensure the City's ability to provide critical emergency service.

Mayor Cannella questioned the inclusion of the position of Public Safety Commander in the Mid-Managers Group.

Councilmember Vierra asked Chief de Werk how he arrived at 13.65%.

Chief de Werk explained that the Public Safety Commander position is unique to the City of Ceres. The 13.65% was derived by averaging like positions in each of the survey cities.

Councilmember Ochoa asked why the increase is being done in one step and not been implemented in smaller increments over the past few years.

Chief de Werk answered that past budget restraints prevented them from doing so.

Brad Kilger, City Manager, stated that staff will be doing a comprehensive Salary Survey to bring to Council in the next several months. He further commented that Council will need to put a long-term plan in place to implement the recommendations.

MOTION: Approve **Resolution No. 2006-121** amending the 2005/06 Budget to appropriate funds for the Public Safety Commander retroactive salary increase and approve **Resolution No. 2006-122** amending the 2006/07 Budget to appropriate funds for the Public Safety Commander salary increase.

MOVED: Moved by Lane/Seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

16. **Resolution No. 2006-123** awarding a five-year (2006-2011) Tree Maintenance Contract to TruGreen LandCare.

Doug Lemcke, Director of Parks, Recreation and Facilities, presented a brief overview of the staff report explaining that in the past, the City has had \$54,000 in the Budget to complete tree maintenance. This amount provided for the maintenance of 250 trees. This year there will be \$104,000, in the Budget to provide for a more proactive approach to tree maintenance and allow the City to trim 450 trees per year reducing the trimming cycle to approximately 15 years.

Councilmember Phipps expressed concern over the length of the five-year contract. He further asked if it would be more cost effective to do tree maintenance in-house.

Mr. Lemcke stated that the City can terminate the contract at any time with a six month written notice.

Mr. Brad Kilger, City Manager, added that staff will be doing study, sometime in the future, on the costs associated with a City Forestry program.

MOTION: Approve the agenda as posted (or amended) and certification of posting.

MOVED: Moved by Lane/Seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

REPORTS

Councilmembers and City Staff reported on various recent activities including the Mayor's State of the City Address; the closing ceremonies for Ceres Youth Baseball; Concerts in the Park; Relay for Life; the June 15, 2006 Council Study Session and the Block Leaders Graduation Dinner.

ON-GOING ISSUES

Concerns Regarding City Water Pressure

Councilmember Vierra requested that Mr. Hollstein look into the City's water pressure stating that he felt it was low again.

Mr. Hollstein, Director of Public Works, responded that we have had some problem with the drives that keep the booster pumps running. We have ordered new ones and are waiting for them to come in. He further responded that Smyrna Park is the only park off the system, as the other parks are removed, the water pressure will improve.

City Sewer & Water Capacity

Mayor Cannella reported on the June 15, 2006, Council Study Session. Staff did an analysis on the sewer and water capacity in the City which came to approximately one-million gallons per day. In addition staff also reported on the vacant and untitled industrial land in the City and determined what the sewer and water demand would be on that property. The result is the capacity that will be set aside for future growth. Council want to make sure that we have enough sewer and water for future development.

Legislative Action

Mr. Brad Kilger, City Manager, gave an update on current legislative items including:

- 1) Potential bond measures that will provide badly needed funds for roads, parks & potentially sewer and water projects;
- 2) Telecommunications bill which will shift the responsibility for oversight from the City to the State, allow cable companies to choose who will receive certain services, and allow Cable Companies to install and maintain their facilities within our right-of-way without our oversight.
- 3) Imminent domain bill which will impede local government's use of imminent domain in its normal capacity for building roads an installing sewer and water.

FOLLOW-UP ITEMS

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- Report to Council on the time frame for the restoration of water pressure.

At 7:59 p.m. Mayor Cannella adjourned the meeting to Closed Session.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code § 54956.8)

Property: 2761 4th Street

Agency negotiator: Mr. Brad L. Kilger, City Manager

Negotiating parties: City of Ceres, First Baptist Church of Ceres

Under negotiation: Instruction given to negotiator may concern price and terms of payment.

Purpose: Possible acquisition of property for additional Community Center parking.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code § 54956.8)

Property is Northeast corner of Mitchell and Fowler Road.

Agency Negotiator: Mr. Brad L. Kilger, City Manager

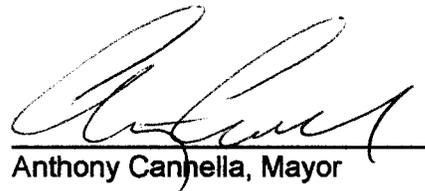
Negotiating parties: City of Ceres, Raymond Greer Construction Company, Inc.

Under negotiation: Instruction given to negotiator may concern price and terms of sale.

Purpose: Possible sale of property.

Council reconvened at 9:00 p.m. with nothing to report.

There being no further business, Council adjourned at 9:01 p.m. to the next regularly scheduled meeting on July 10, 2006.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, Deputy City Clerk

