

CITY COUNCIL MINUTES

November 13, 2007

Mayor Cannella called the City Council Meeting of November 13, 2007 to order at 7:00 p.m. with the following in attendance:

ROLL CALL Council Members Lane, Ochoa, Phipps, Vierra, Mayor Cannella

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

APPROVAL OF THE MINUTES of the regular meeting of August 13, 2007 and October 8, 2007.

MOTION: Approve the minutes of the regular meeting of August 13, 2007 and October 8, 2007 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: **Motion passed with Vice Mayor Phipps abstaining. (4/0/1)**

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (ten minutes).

Claude Delphi, representing WS-PACE Organization, spoke in opposition to the Crows Landing Expansion Project citing issues with increased street and rail traffic. Mr. Delphi urged our StanCOG representatives to vote no on the project when it comes before the StanCOG board.

Len Shepherd, resident, spoke in opposition to Mobile Home Park Rent Control and stated that he felt a recent survey sent to the mobile home park residents of Ceres was an invasion of privacy and a misuse of City funds.

Mr. Kilger, City Manager, responded that the survey was for the purposes of gathering data for a possible financial assistance program for mobile home park residents. Should anyone feel that the questionnaire is an invasion of privacy, they need not return it.

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 – None.

CONSENT CALENDAR

1. Register of Audited Demands for period covering October 22 – November 1, 2007. **Pulled for further discussion.**
2. **Resolution No. 2007-205** approving Nine-One-One, Inc. for Public Safety E911 Replacement, and approving IC Refrigeration for cooling modifications for the E911 Equipment Room.

3. **Resolution No. 2007-XXX** approving the wage calculations for a solo soccer official per game. **Continued to the meeting of November 26, 2007.**
4. Set Public Hearing date of November 26, 2007 for the adoption of a solid waste rate increase. **Continued to the meeting of November 26, 2007.**
5. **Resolution 2007-207** awarding the Construction Contract for the Crows Landing Well Drill Project to Calwater Drilling Company and amending the FY2007/08 to provide funding.
6. **Resolution No. 2007-208** accepting the Traffic Signal Coordination Project as complete and authorizing the filing of the Notice of Completion.
7. **Resolution No. 2007-209** stating its intent and ordering the annexation of the Singh Parcel Map to the Landscape and Lighting District.
8. Council authorization to advertise for Planning Commission and Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) vacancies.
9. **Resolution No. 2007-210** rejecting the claim for damages submitted by Wanda Allison.
10. **Resolution No. 2007-211** approving an agreement with Gray-Bowen and Company to provide consulting and project management services for the Whitmore Overpass and Services/Mitchell Interchange projects as well as other projects involving the California Department of Transportation (Caltrans).
11. **Resolution No. 2007-212** approving a contract with Bollard Acoustical Consultants (BAC) to provide professional services relating to Sound (Noise) Impact Analysis for the Ceres Gateway Center commercial development project at the southwest corner of Mitchell Road and Service Road. **Pulled for further discussion.**
12. **Resolution No. 2007-213** approving a contract with Fehr & Peers Transportation Consultants to provide professional services relating to traffic analysis for the Ceres Gateway Center Commercial Development Project at the southwest corner of Mitchell Road and Service Road. **Pulled for further discussion.**
13. **Resolution No. 2007-214** officially naming all ball fields at Smyrna Community Park the "George Costa Ball Field Complex".
14. **Resolution No. 2007-215** authorizing a Fiscal Year 2007/08 Budget Amendment for US Department of Justice, Office of Justice Programs, 2007 Bulletproof Vest Partnership Grant Funds.
15. **Resolution No. 2007-216** approving a Professional Services Contract with Water Solutions Inc., to perform professional consulting services relating to water quality services and water well treatment systems and amending the FY2007/08 Budget to appropriate funds.
16. **Resolution No. 2007-217** approving Change Order No. 2 for Fire Station No. 4. **Pulled for further discussion.**

17. **Resolution No. 2007-218** appointing Cindy Heidorn Acting City Clerk for the City of Ceres and directing staff to prepare an ordinance amendment placing the position of City Clerk under the supervision and direction of the City Manager.

MOTION: Approve Consent Calendar Items 2, 5-10, 13-15 and 17 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: **Motion passed unanimously. (5/0)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

1. Register of Audited Demands for period covering October 22 – November 1, 2007.

Mike Kline, resident, asked for clarification on a few of the vouchers issued by the Finance Department.

11. **Resolution No. 2007-212** approving a contract with Bollard Acoustical Consultants (BAC) to provide professional services relating to Sound (Noise) Impact Analysis for the Ceres Gateway Center commercial development project at the southwest corner of Mitchell Road and Service Road.

12. **Resolution No. 2007-213** approving a contract with Fehr & Peers Transportation Consultants to provide professional services relating to traffic analysis for the Ceres Gateway Center Commercial Development Project at the southwest corner of Mitchell Road and Service Road.

Councilmember Vierra requested that future staff reports that have had RFPs issued include more detailed information including the names of all firms that returned proposals and justification for selection made.

MOTION: Approve Consent Calendar Items #1, #11 and #12 as recommended by staff.

MOVED: Moved by Lane/seconded by Phipps

VOTE: **Motion passed unanimously. (5/0)**

16. **Resolution No. 2007-217** approving Change Order No. 2 for Fire Station No. 4.

Council asked if the City pays for change orders and seeks reimbursement from the Contractor.

Staff responded affirmatively.

MOTION: Approve Resolution No. 2007-217 approving Change Order No. 2 for Fire Station No. 4.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: **Motion passed unanimously. (5/0)**

NEW BUSINESS

18. **Ordinance No. 2007-977** amending Title 5 of the Ceres Municipal Code to add a new chapter 5.36 relating to junk dealers and scrap metal recyclers.

Mike Lyons, City Attorney, introduced the item stating that the rising prices of metal and the increased demand for copper, aluminum, and other non-ferrous metals are fueling a wave of scrap metal theft. In the City of Ceres, the theft of metal from our streets, parks, businesses, schools utilities and residences is increasing, causing substantial damage and costs to the victims of such thefts.

The ordinance being submitted for Council consideration would require scrap metal dealers and recyclers to obtain a special license from the City and require additional transactional reporting. It would also have regulatory restrictions to discourage metal theft and enhance the ability of law enforcement personnel to identify stolen materials and the thieves.

Council expressed concern that the daily reporting requirement imposed by the ordinance would pose too great a workload on the City staff who will examine the reports.

Commander Borges responded that the reports will be processed in a manner similar to that of Pawn Shop reports. He further stated that he did not feel these reports would cause a substantial increase in workload.

Councilmember Lane commented that he hopes every City and County in California pass a similar ordinance.

MOTION: Waive full reading and have **Ordinance No. 2007-977** read by title and number only.

MOVED: Moved by Phipps/seconded by Lane

VOTE: **Motion passed unanimously (5/0)**

Mayor Cannella directed the City Clerk to read **Ordinance 2007-977** by number and title only.

MOTION: Approve **Ordinance No. 2007-977** amending Title 5 of the Ceres Municipal Code to add a new chapter 5.36 relating to junk dealers and scrap metal recyclers for first reading and introduction.

MOVED: Moved by Phipps/seconded by Lane

VOTE: **Motion passed unanimously. (5/0)**

19. **Resolution No. 2007-219** awarding the contract for the Street Sweeping Project to Contract Sweeping Service.

Ken Craig, Community Services Director introduced the item stating that he City has contracted for street sweeping services for many years. The current contract has expired and bids for street sweeping were received and a bid opening was held on October 18, 2007. The City received the following bids: Contract Sweeping Service, \$14.94/mile; ABC Sweeping, \$16.90/mile and Clean Street, \$18.00/mile. The lowest responsible bidder is Contract Sweeping Service in the amount of 14.94 per mile. With an estimated 6,800 curb miles to be swept each year, per the schedule in the contract. The estimated yearly price is \$101,592.00.

Council expressed some concern that the quality of service provided by the lowest bidder may not meet City standards.

Staff responded that per the City's Municipal Code, Public Works Contracts are required to be let to the lowest responsible bidder. All the bidder's references were checked and there is no substantial evidence that the Contract Sweeping Services, Inc. will not be able to fulfill the contract.

Councilmember Vierra remarked that StanCOG (Stanislaus Council of Governments) has been focusing on increasing the number of jobs in Stanislaus County. As the City representative for StanCOG, he is concerned that Contract Sweeping Services is located in San Joaquin County.

Mayor Cannella invited comments from the audience.

Steve Breckenridge, resident, remarked that the lowest price may not always be the best value.

Robert Hall, resident, stated that his street is often not swept.

Richard Richardson, representing ABC Sweeping, spoke in support of his company having been the City's street sweeper for the past several years.

Mike Lyons, City Attorney responded that staff determined that we had not tested the market place for many years and decided to initiate the bidding process to ensure that we were getting the best value for the City. Mr. Lyons reiterated that Public Works Contracts are required to be let to the lowest responsible bidder.

MOTION: Resolution No. 2007-219 awarding the contract for the Street Sweeping Project to Contract Sweeping Service.

MOVED: Moved by Cannella/seconded by Phipps

VOTE: Motion passed with Councilmembers Vierra and Lane voting No. (3/2)

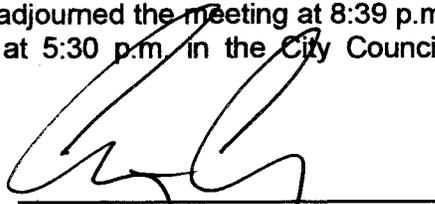
COUNCILMEMBER REFERRALS

Mayor Cannella requested a study session to review Title 3, Chapter 3.04 of the Ceres Municipal Code, specifically Chapter 3.04.110 Lowest Responsible Bidder; Local Bidder Preference.

REPORTS

Councilmembers and City Staff reported on various recent activities including the upcoming Alliance Meeting on 11/19/07 and the opening of Christmas Tree Lane on 12/01/07. Council thanked everyone for their support during the recent election.

There being no further business, Mayor Cannella adjourned the meeting at 8:39 p.m. to the City Council Study Session on November 15, 2007 at 5:30 p.m. in the City Council Chambers located at 2210 Magnolia St.



Anthony Cannella, Mayor



Cindy Heidorn, Acting City Clerk