

**CITY COUNCIL MEETING
MINUTES**

November 26, 2007

Mayor Cannella called the City Council Meeting of November 26, 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 Craig Hunnel, Valley View Church of the Nazarene

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Ceres Youth Commission Monthly Report.

Kevin Fliflet, President of the Ceres Youth Commission gave a brief report on the activities of the Youth Commission including recent park openings, the Fire Station 4 ribbon cutting, the Halloween Festival in Smyrna Park and the upcoming opening of Christmas Tree Lane.

B. Public Participation Plan: 2008 Public Participation Plan SAFETEA-LU Revision-
Presentation by Carlos Yamzon, StanCOG.

C. HOV: "San Joaquin Regional Ramp Metering and High Occupancy Vehicle Lane Master Plan" Introduced by Carlos, and presented by DKS and Associates.

Carlos Yamzon, representing StanCOG and Terry Klem representing DKS Associates presented the PPP and HOV plans being considered by StanCOG.

CITIZEN COMMUNICATIONS

Steve Breckenridge, citizen, expressed concern that the firm represented in Item 4 on the agenda had given campaign contributions to some of the Councilmembers.

Len Shepherd, citizen, expressed concern over the poor voter turnout at the last election. Mr. Shepherd urged the Council to uphold the oath of office they will take on December 7, 2007.

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)

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict with Items 7 and 8 stating that his firm has done business with the firms involved within the last 12 months.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Application to State Farm Insurance for a grant to expand Ceres Emergency Services Smoke Alarm Program. **Pulled for further discussion.**
 - b. Administrative Services Monthly Report for October, 2007. Pulled for further discussion.
 - c. Engineering Division Monthly Report for September and October, 2007.
2. Register of Audited Demands for the period covering November 6 – 15, 2007.
3. Waiver of Second Reading and Adoption of **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.
4. Set Public Hearing date of December 10, 2007 for the adoption of a solid waste rate increase. **Pulled for further discussion.**
5. Council acceptance of the Developer Fee Expenditure Report for the 2006/07 Fiscal Year. **Pulled for further discussion.**
6. **Resolution No. 2007-220** authorizing the purchase of three mobile radios for the Fire Department and amending the FY 2007/08 Budget to appropriate funds. **Pulled for further discussion.**
7. **Resolution No. 2007-221** accepting the Hatch Road Bike Path Project as complete, approving the Balancing Contract Change Order and authorizing the filing of the Notice of Completion.
8. **Resolution No. 2007-222** accepting the Hatch Road Overlay Project as complete, approving the Balancing Contract Change Order and authorizing the filing of the Notice of Completion. **Pulled for further discussion.**
9. **Resolution No. 2007-223** authorizing the City Engineer to execute Master Agreements, Program Supplement Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements for Federal and/or State Funded Projects.
10. **Resolution No. 2007-XXX** accepting the 2006 Neighborhood Park Project as complete, approve the Balancing Contract Change Order and authorizing the filing of the Notice of Completion. **Continued to December 10, 2007 per staff request.**
11. Council concurrence of Mayor Cannella's recommendation to appoint Maricela Linhares to the Ceres Planning Commission as a Student Commissioner. **Pulled for further discussion.**

MOTION: Approve Consent Calendar Items 1b, 1c, 2, 3 & 9 as recommended by staff.
MOVED: Moved by Lane/seconded by Phipps
VOTE: **Motion passed unanimously. (5/0)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

- 1a. Application to State Farm Insurance for a grant to expand Ceres Emergency Services Smoke Alarm Program.

Councilmember Vierra had a question regarding the criteria used to distribute the smoke detectors.

Commander Brian Weber responded that the smoke alarms are given on a first come first serve basis.

MOTION: Approve application to State Farm Insurance for grant to expand Ceres Emergency Services Smoke Alarm Program.

MOVED: Moved by Vierra/seconded by Phipps

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

4. Set Public Hearing date of December 10, 2007 for the adoption of a solid waste rate increase.

Steve Breckenridge, citizen, expressed concern that service provider in this item made campaign contributions to certain Councilmembers and those Councilmembers should abstain from voting on the item.

Council confirmed with City Attorney, Mike Lyons, that there is no legal or ethical obligation for them to abstain from voting this or any item in which a campaign contribution has been given or received by any parties involved.

Council further stated that campaign contributions in no way influence the decisions they make.

5. Council acceptance of the Developer Fee Expenditure Report for the 2006/07 Fiscal Year.

Vice Mayor Phipps asked for clarification on the report totals stating that he total dollar amounts are higher than the sum of the items listed.

Sarah Ragsdale, Administrative Services Director, stated that the report only highlights some of the larger expenses. Monies were expended on various other items not listed in the report.

MOTION: Accept the Developer Fee Expenditure Report for the 2006/07 Fiscal Year.

MOVED: Moved by Phipps/seconded by Ochoa

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

6. **Resolution No. 2007-220** authorizing the purchase of three mobile radios for the Fire Department and amending the FY 2007/08 Budget to appropriate funds.

After clarification on the funding used to purchase the radios, Council made the following motion:

MOTION: **Resolution No. 2007-220** authorizing the purchase of three mobile radios for the Fire Department and amending the FY 2007/08 Budget to appropriate funds

MOVED: Moved by Phipps/seconded by Lane

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

7. **Resolution No. 2007-221** accepting the Hatch Road Bike Path Project as complete, approving the Balancing Contract Change Order and authorizing the filing of the Notice of Completion.

MOTION: **Resolution No. 2007-221** accepting the Hatch Road Bike Path Project as complete, approving the Balancing Contract Change Order and authorizing the filing of the Notice of Completion

MOVED: Moved by Lane/seconded by Ochoa

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

8. **Resolution No. 2007-222** accepting the Hatch Road Overlay Project as complete, approving the Balancing Contract Change Order and authorizing the filing of the Notice of Completion.

MOTION: **Resolution No. 2007-222** accepting the Hatch Road Overlay Project as complete, approving the Balancing Contract Change Order and authorizing the filing of the Notice of Completion.

MOVED: Moved by Lane/seconded by Ochoa

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

10. **Resolution No. 2007-XXX** accepting the 2006 Neighborhood Park Project as complete, approve the Balancing Contract Change Order and authorizing the filing of the Notice of Completion.

Staff requested this item be continued to the meeting of December 10, 2007.

MOTION: Continue Item 10, the 2006 Neighborhood Park Project to the City Council Meeting of December 10, 2007.

MOVED: Moved by Phipps/seconded by Vierra

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

11. Council concurrence of Mayor Cannella's recommendation to appoint Maricela Linhares to the Ceres Planning Commission as a Student Commissioner.

UNFINISHED BUSINESS

12. **Resolution No. 2007-225** approving a change in wage calculations for a solo soccer official per game. (Continued from 11/13/07)

Doug Lemcke, Recreation Director, introduced the item requesting an increase in the per-game salary for soccer officials who officiate games solo.

Vice Mayor Phipps asked if the teams were comfortable playing with only one official.

Mr. Lemcke responded that the teams are given the option of canceling or playing the game with one official. Most teams prefer to continue playing.

Councilmember Vierra asked why staff is recommending retroactive pay to August, 2007.

Mr. Lemcke responded that in order to entice the officials to continue working solo, staff told them they would request retroactive pay from the beginning of the season.

MOTION: Approve **Resolution No. 2007-225** approving a change in wage calculations for a solo soccer official per game.
MOVED: Moved by Ochoa/seconded by Lane
VOTE: **Motion passed with Councilmember Vierra voting No. (4/1)**

13. **Ordinance No. 2007-978** amending Title 9 of the Ceres Municipal Code to prohibit underage drinking and assess liability for those who knowingly host gatherings where minors consume alcohol. (First Reading and Introduction)

Mike Lyons, City Attorney, introduced the item stating that at its meeting of August 13, 2007, the City Council considered the second reading and adoption of Ordinance No. 2007-973 which addressed the problems generated by social gatherings at private residences and commercial or business premises where minors consume alcoholic beverages. The original ordinance contained provisions which allowed the recovery of public safety costs incurred by the City when responding to such gatherings and allowed administrative civil citations in lieu of criminal prosecution for persons violating the ordinance.

At its meeting of August 13, 2007, the City Council rejected the adoption of the proposed ordinance and directed the City Attorney to bring back an ordinance which eliminated the recovery of cost provisions, removed the civil fine provisions and limited enforcement to formal misdemeanor criminal prosecution of persons who violate the ordinance thereby preserving the right of those charged with a violation of the ordinance to demand a jury trial.

This ordinance as presented removes the objectionable portions of the previously proposed ordinance; but retains as misdemeanor criminal offense, a provision which prohibits persons having control of any premises from knowingly hosting, permitting, or allowing a gathering where a minor consumes an alcoholic beverage.

Those speaking in favor of the ordinance:

- Robert Stanford, civil rights activist
- Steve Breckenridge, resident

Those speaking against the ordinance:

- Len Shepherd, resident

Adolph Estrada, resident, asked if the subject responsible for serving alcohol would be issued a citation or arrested and what is the outcome based on.

Mike Lyons, City Attorney, responded that it would be the discretionary call of the arresting officer whether the subject would be arrested or cited.

Art de Werk, Public Safety Director, responded that there generally a person is subject to booking if there are any number of variables present. For example: if the person is excessively intoxicated, or if there is a likelihood of reoccurrence, or if there is an outstanding warrant, or if they have failed to appear on some previous arrest matter. The word discretion is applicable but it really is more a matter of the interpretation of what the officer believes is present at the time of the crime.

MOTION: Waive full reading and have **Ordinance No. 2007-978** 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 2007-978** by number and title only.

MOTION: Approve **Ordinance No. 2007-978** amending Title 9 of the Ceres Municipal Code to prohibit underage drinking and assess liability for those who knowingly host gatherings where minors consume alcohol for introduction and first reading.

MOVED: Moved by Phipps/seconded by Lane

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

8:11 p.m. Council recessed for a short break.

8:17 p.m. Council reconvened in open session.

NEW BUSINESS

- 14. Resolution No. 2007-226** accepting and approving the compensation and classification report and **Resolution No. 2007-227** approving appropriation adjustments for the implementation of said report.

Brad Kilger, City Manager, introduced the item and outlined the steps leading up to the study. The last Compensation and Classification study was completed over sixteen years ago. Since that time, the City's compensation plan has not kept up with the market causing Ceres to loose valuable employees to surrounding communities and making it difficult to recruit qualified personnel. Mr. Kilger further explained that the recommendations for implementation outlined in the report would place staff salaries at the median of the market.

Doug Johnson, representing Johnson and Associates presented to Council the methodology used to gather data for the Classification and Compensation Study and the results of that data.

Sarah Ragsdale, Administrative Services Director, briefly outlined the fiscal impact and risk assessment should Council implement the compensation per staff's recommendation. Staff recommended an implementation plan that would be effective for the first pay period beginning after Council review and approval of the Study. For FY 2007/08, the adjustments would not exceed 16% of an employee's current salary; any remaining increases will be given on July 1, 2008.

Mayor Cannella and Councilmember Vierra expressed concerns with the cost to the General Fund with an uncertain economy as well as a concern for the compensation recommendation for a few of the positions. Mayor Cannella suggested making the following adjustments to the recommended salary ranges: Adjust the Finance Mgr., IT Mgr., HR Mgr., Redev./Econ. Development Mgr. and Planning Mgr. positions from range 82 - 80; City Clerk from range 78 - 76; Engineering Tech I/II-I from 51 - 50, Engineer I/II-II from 55 - 55; Facilities Supervisor from 59 - 58.

Mayor Cannella also suggested that the salary increases be implemented over the next three years with 10% beginning now, 10% in one year, if approved and the remainder the next year, if approved.

After extensive Council discussion on various issues including staff turnover and its effect on City services and projects, the City's ability to recruit personnel, implementation schedule, the City's ability to fund the increases, the following motion was made:

MOTION: Resolution No. 2007-226 accepting and approving the compensation and classification report as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Councilmember Vierra and Mayor Cannella voting No. (3/2)

MOTION: Resolution No. 2007-227 approving appropriation adjustments for the implementation of said report.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Councilmember Vierra and Mayor Cannella voting No. (3/2)

15. **Ordinance No. 2007-979** amending Title 2 of the Ceres Municipal Code, Administration and Personnel, granting the City Manager authority to appoint the City Clerk and placing the position of City Clerk under the supervision and direction of the City Manager (M. Lyons) **(Introduction and First Reading)**

MOTION: Waive full reading and have **Ordinance No. 2007-979** 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 2007-979** by number and title only.

MOTION: Approve **Ordinance No. 2007-979** amending Title 2 of the Ceres Municipal Code, Administration and Personnel, granting the City Manager authority to appoint the City Clerk and placing the position of City Clerk under the supervision and direction of the City Manager for introduction and first reading.

MOVED: Moved by Phipps/seconded by Lane

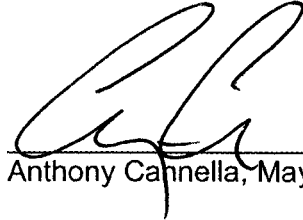
VOTE: Motion passed unanimously. (5/0)

COUNCILMEMBER REFERRALS - None


REPORTS

Councilmembers and City Staff reported on various recent activities including the upcoming opening of Christmas Tree Lane on 12/01/07. City Manager, Brad Kilger, thanked Council on behalf of staff for their support in the Compensation and Classification Study.

There being no further business, Mayor Cannella adjourned the meeting at 10:06 p.m. to the Special City Council meeting to be held on Friday, December 7, 2007 for the installation of new officers. The meeting will be held in the City Council Chambers located at 2210 Magnolia Street.



Anthony Cannella, Mayor



Cindy Heidorn, Acting City Clerk