

CITY COUNCIL MINUTES
January 28, 2008

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

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

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

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 the Christmas Tree Lane Festival, the letters to Santa Project and the success of the recent Dodgeball Tournament with approximately 32 teams and 200 spectators. The tournament was covered by both the Modesto Bee and the Ceres Courier. Future CYC projects include a Whitmore Park clean-up and the Ceres Street Fair.

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, asked when the Fire Station No. 4 would be operational. He stated that he is looking forward to the day it opens.

Ken Craig, Community Development Director responded that Fire Station No. 4 is currently in punch list phase. The project is running a little behind, but we are moving forward. We will be working closely with the architect to get the punch list items ready so we bring the project to Council for acceptance.

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

Mayor Cannella amended the agenda by moving the meeting of the Redevelopment Agency up on the program to immediately follow the City Council Consent Calendar.

MOTION: Approve the agenda amended and certification of posting

MOVED: Moved by Vierra/seconded by Lane

VOTE: Motion passed unanimously (5/0)

APPOINTMENTS TO BOARDS/COMMISSIONS

- A. Council concurrence of Mayor Cannella's recommendation to appoint Mike Kline to the Ceres Planning Commission.

MOTION: Approve the Mayor's recommendation to appoint Mike Kline to the Ceres Planning Commission.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously (5/0)

- B. Council concurrence of Mayor Cannella's recommendation to appoint Brandy Meyer to the Tuolumne River Regional Park Citizen's Advisory Committee.

MOTION: Approve the Mayor's recommendation to appoint Brandy Meyer to the Tuolumne River Regional Park Citizen's Advisory Committee

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed unanimously (5/0)

Mayor Cannella recommended the appointment of Ken Lane to the Ad Hoc Costa Fields Construction Committee.

MOTION: Approve Mayor Cannella's recommendation to appoint Ken Lane to the Ad Hoc Costa Fields Construction Committee

MOVED: Moved by Durossette/seconded by Vierra

VOTE: Motion passed unanimously (5/0)

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict with Item No. 7, stating that his firm has worked with Bright Development in the past 12 months and Item No. 7 grants specific authority to complete the 132 East In-fill Project which will involve Bright Development.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Administrative Services Monthly Report for December, 2007.
 - b. Public Works Dept. Monthly report for December 2007.
 - c. Engineering Division Monthly Report for December, 2007.
 - d. Building Department Monthly Report for December, 2007.
 - e. Recreation Department Monthly Report for December, 2007.
2. Register of Audited Demands for period covering January 4, 2008.
3. **Resolution No. 2008-07** urging the California Air Resources Board to Increase the San Joaquin Valley Air Pollution Control District's Share of Pop 1B Air Quality Mitigation Funding.
4. **Resolution No. 2008-08** setting the terms and conditions of employment for the Miscellaneous Bargaining Unit represented by the Northern California District Council of Laborers' and its affiliate, Construction, Production and Maintenance Laborers' Union No. 1130.
5. Waiver of second reading and adoption of **Ordinance No. 2008- 980** amending Title 10, Chapter 10.36, Section 10.36.120 of the Ceres Municipal Code to add a new subsection E clarifying the intent of the City Council regarding the retroactive application of certain provisions of Section 10.36.120 affecting the location of business offices and storage facilities of towing service operators.
6. **Resolution No. 2008-09** awarding the construction contract for the 2008 Water Main Reconstruction Project to Rolfe Construction in the amount of \$142,000.00 and amending the FY2007/08 Budget to provide an additional \$41,000.00 to fund the contract budget.

7. **Resolution No. 2008-10** adopting the amended Joint Powers Agreement establishing the Stanislaus Council of Governments. **Pulled due to Conflict of Interest.**
8. **Resolution No. 2008-11** approving a Professional Services Contract with Wood Rodgers, Inc. to perform professional consulting services relating to water well evaluation and testing.

MOTION: Approve Consent Calendar Items 1a-1e, 1-6 and 8 as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed unanimously (5/0)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

7. **Resolution No. 2008-10** adopting the amended Joint Powers Agreement establishing the Stanislaus Council of Governments. **Pulled due to Conflict of Interest.**

MOTION: Approve **Resolution No. 2008-10** adopting the amended Joint Powers Agreement establishing the Stanislaus Council of Governments.

MOVED: Moved by Lane/seconded by Ochoa

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

7:17 p.m. Mayor Cannella adjourned the City Council Meeting to the Redevelopment Agency Meeting.

7:24 p.m. Mayor Cannella reconvened the City Council meeting.

UNFINISHED BUSINESS - None

PUBLIC HEARING - None

NEW BUSINESS -- None

9. Request for Council consideration to support, oppose or amend the proposed allocation of funds from the county-wide Transportation Sales Tax Program.

Brad Kilger, City Manager, briefly introduced the item.

Vince Harris, Executive Director, StanCOG addressed Council outlining the Countywide Transportation Financial Expenditure Plan as it is being proposed by StanCOG.

County Supervisor Jim DeMartini urged the Council to support the Transportation Financial Expenditure Plan.

After some Council discussion, although concerned that it is awfully soon to asked the citizenry to support another ½ cent sales tax, Council agreed to support, in concept, the plan as follows:

- The Plan will consist of two funding components: (a) a Local Traffic Improvement and Road Maintenance Program, and (b) Dedicated Capital Corridor Improvements Program.

- Each Program will receive 50% of expected revenues, or \$350 million dollars for distribution to the Local Traffic Improvement and Road Maintenance Program and \$350 million to the Dedicated Capital Corridor Improvements Program.
- Funds for Local Traffic Improvement and Road Maintenance Program component of the Transportation Tax will be distributed to the City of Ceres based on 100% of Population formula, with the understanding that growth in local shares will be allocated based on 50% population and 50% sales tax percentages and that each city will convey annually during the 20 year term of the tax, a maximum of 2% of their base (first) year local component share to the County of Stanislaus to provide an equitable distribution of funds among all entities.
- The Dedicated Capital Corridor Improvement Program shall specifically designate a minimum of \$31 million for the Service/Mitchell Interchange and at no time can these funds be reallocated to another regional or local project unless so approved by the City Council of the City of Ceres.
- Furthermore the following principles will govern the allocation and use of the funds for the Dedicated Capital Corridor Improvement Program:
 - (a) Any revenue growth in the overall Transportation Sales Tax program will be prorated across all three Capital Corridors. In the case of the Service Mitchell Interchange the prorated share of the total \$700 million would equate to 4.42%. A 1% growth in total revenue would generate \$309,400 in additional funding for the Service/Mitchell project ($\$7,000,000 \times .442$).

MOTION: Resolution No. 2008-12 approving in concept a countywide transportation financial expenditure plan.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed unanimously (5/0)

COUNCILMEMBER REFERRALS - None

REPORTS

Councilmembers and City Staff reported on various recent activities including recent Annual Ceres Chamber Awards Dinner and the first annual Dodgeball Tournament.

8:08 p.m. Mayor Cannella adjourned to Closed Session.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Public Law Group

Employee Organization: Ceres Department of Public Safety Firefighter's Association

Pursuant to Gov't. Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

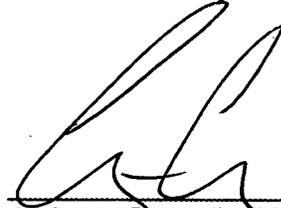
City Negotiator: Public Law Group

Employee Organization: Miscellaneous Employees

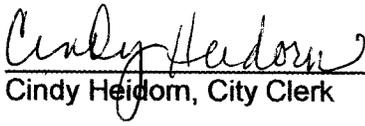
Pursuant to Gov't. Code Section 54957.6

8:30 p.m. Mayor Cannella reconvened to Open Session with nothing to report.

There being no further business, Mayor Cannella adjourned the meeting at 8:30 p.m. to the next regularly scheduled meeting on February 11, 2008.



Anthony Cannella, Mayor



Cindy Heidorn, City Clerk