

**CITY COUNCIL  
MINUTES**

**February 11, 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.

**APPROVAL OF THE MINUTES** of the regular meeting of September 10, 2007.

**MOTION:** Approve the minutes of the regular meeting of September 10, 2007.

**MOVED:** Moved by Lane/seconded by Vierra

**VOTE:** **Motion passed with Councilmember Durossette abstaining. (4/0/1)**

**APPROVAL OF THE MINUTES** of the regular meetings of January 14 and January 28, 2008.

**MOTION:** Approve the Minutes of the regular meetings of January 14 and January 28, 2008.

**MOVED:** Moved by Ochoa/seconded by Durossette

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

**CITIZEN COMMUNICATIONS**

Kim Campbell, Ceres Library Manager reported on upcoming library events including a murder mystery night on March 7, 2008 and a children's program on February 23, 2008.

**APPROVAL OF AGENDA AS AMENDED AND CERTIFICATION OF POSTING**

**MOTION:** Approve the agenda as amended and certification of posting

**MOVED:** Moved by Lane/seconded by Vierra

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

**APPOINTMENTS TO BOARDS/COMMISSIONS - None**

**CONFLICT OF INTEREST DECLARATION** Mayor Cannella declared a conflict with Item No. 4 and Item No. 7, stating that his firm has done business with Teichert Construction in the past 12 months and a potential Conflict with Item No. 6 stating that his firm has been paid by that company possibly in the past 12 months or longer, but to be safe he would like to conflict out.

**CONSENT CALENDAR**

1. Register of Audited Demands for period covering January 23 -25, 2008.
2. **Resolution No. 2008-13** awarding the bid for the purchase of a Streets Division Vector Jet/Vac combination storm line cleaning truck from Ricker Machinery Equipment Company.

3. **Resolution No. 2008-14** authorizing application to the California Integrated Waste Management Board for a FY 2007/08 Local Government Waste Tire Cleanup and Amnesty Event Grant.
4. **Resolution No. 2008-15** awarding the 2008 Storm Drain Project to Teichert Construction in the amount of \$370,727 and amending the FY 2007/08 Budget to appropriate funds. **Pulled due to Conflict of Interest.**
5. **Resolution No. 2008-16** accepting and approving position description and salary range for the position of Assistant City Engineer and amending the FY 2007-08 Budget to appropriate funds.
6. Set Public Hearing date of March 10, 2008 to consider amending the Westpointe Master Plan for front yard setback reduction for 15 duplex units located at the southwest corner of Whitmore Avenue and Malik Drive. **Pulled due to Conflict of Interest.**
7. **Resolution No. 2008-17** awarding the construction contract for the Richland Avenue Sidewalk Project. **Pulled due to Conflict of Interest.**
8. **Resolution No. 2008-18** authorizing the City Manager to sign an amendment to the Agreement with JES Engineering Services for an amount not to exceed \$197,061 and amending the FY2007/08 Budget to appropriate funds.

MOTION: Approve Consent Calendar items No. 1 – 3, 5 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**

4. **Resolution No. 2008-15** awarding the 2008 Storm Drain Project to Teichert Construction in the amount of \$370,727 and amending the FY 2007/08 Budget to appropriate funds. **Pulled due to Conflict of Interest.**
6. Set Public Hearing date of March 10, 2008 to consider amending the Westpointe Master Plan for front yard setback reduction for 15 duplex units located at the southwest corner of Whitmore Avenue and Malik Drive. **Pulled due to Conflict of Interest.**
7. **Resolution No. 2008-17** awarding the construction contract for the Richland Avenue Sidewalk Project. **Pulled due to Conflict of Interest.**

MOTION: Approve Items No. 4, 6 and 7 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

#### **UNFINISHED BUSINESS**

9. **Resolution No. 2008-19** approving Consultant Agreement Amendment #5 for Nolte for Service/Mitchell Interchange for the project approval/environmental document (PA/ED).

Brad Kilger, City Manager, presented the staff report. Mr. Kilger stated that on August 27, 2007, Nolte Associates presented its quarterly update to the City Council on the progress of the Service/Mitchell Interchange Design project. As a result of the report outlining additional project delays, environmental work and Caltrans related issues, the City Council requested staff provide additional information on the status of the project and reason for delays and escalating cost. Council further requested a more detailed review and accounting of the additional work and costs associated with a future revised work scope.

On November 13, 2007, the City entered into a contract with Gray Bowen and Company to provide transportation related services, specifically to provide assistance resolving issues with Caltrans on the Service/Mitchell SR99 Interchange project. Gray Bowen was tasked with assisting City staff in looking into the issues and concerns raised by the Council with regard to Nolte's budgetary requests.

Mr. Kilger summarized Gray Bowen's findings and recommendations and concluded that staff concurred with the findings and recommendations of Gray Bowen.

Council expressed the following concerns:

- The original budget was severely underestimated and it appears that Nolte was working without approved change orders.
- There has been mismanagement on the part of the consultant and City staff.
- The report submitted mentions the possibility of a request for additional funding if the project is not completed by December 31, 2008.

Chris Metzger and Brian Krcelic, representing Nolte and Associates, addressed Council's concerns. Mr. Metzger acknowledged that the original budget was underestimated. They further acknowledged that they should have been more aggressive in managing the project and is proposing to write off \$193,777 of their project development costs. Nolte assured staff that their relationship with City staff is much better now and the mistakes of the past will not be repeated.

Mr. Krcelic spoke regarding the December 31, 2008, deadline stating that the only thing that might delay the project beyond the projected schedule is the one outstanding additional fairy shrimp study that Caltrans is requiring. The project schedule is based on the assumption that we will not find habitat in the study area. We do not anticipate finding any, however if fairy shrimp are found, it will constitute additional work that is not factored into the report.

After some Council discussion the following motion was made:

**MOTION: Resolution No. 2008-19** approving Consultant Agreement Amendment #5 for Nolte for Service/Mitchell Interchange for the project approval/environmental document.

**MOVED:** Moved by Lane/seconded by Durossette

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

10. **Resolution No. 2008-20** approving Consultant Agreement Amendment #1 for Fire Station #4 and Community Center for Construction Management Services with Harris and Associates.

Michael Brinton, City Engineer presented the staff report to Council. Mr. Brinton stated that Council approved a contract with Harris and Associates to provide construction management services for three projects: Maintenance Building Shop Expansion, Fire Station #4 and the Community Center. The contract amount was based on the concurrent provision of inspection and construction management services for the three projects based on an estimated construction time frame as established in the contract documents.

Maintenance Building Shop Expansion: the Maintenance Building Shop Expansion project was removed from the project list and is currently being re-evaluated and re-considered.

Fire Station #4: A list of services for Fire Station #4 have been performed by Harris and Associates in order to facilitate completion of the Project, were not contemplated in the original scope of serves. The majority of activities took weeks, if not months, to complete. Harris and Associates' assistance kept the Fire Station project from being further delayed. Cost associated with errors by the architect, engineer, supporting consultants and contractors are being tracked by Harris and Associates for cost recovery consideration at the end of the projects.

Community Center: Harris and Associates also requested an increase in the contract for the Community Center for additional time estimated (six months) to complete the construction of the Community Center. These services will be billed on and time and materials basis and the City will not be invoiced for any unused time.

After some Council discussion, the following motion was made:

**MOTION: Resolution No. 2008-20** approving Consultant Agreement Amendment #1 for Fire Station #4 and Community Center for Construction Management Services with Harris and Associates.

**MOVED:** Moved by Vierra/seconded by Lane

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

There being no further business, Mayor Cannella adjourned the meeting at 8:17 p.m. to the next regularly scheduled meeting on February 25, 2008.

  
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Anthony Cannella, Mayor

  
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Cindy Heidorn, City Clerk