

**CITY COUNCIL
MINUTES**

March 10, 2008

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

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

EXCUSED Councilmember Lane

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 meetings of February 11 and February 25, 2008 and the Study Session of February 21, 2008.

MOTION: Approve the regular meeting minutes of February 11 and February 25, 2008 and the Study Session minutes of February 21, 2008.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

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

- Len Shepherd, resident, congratulated Council on the opening of Fire Station #4. Mr. Shepherd also requested that Council consider increasing the staffing at the fire stations from three-man to four-man prior to building any more new fire stations.

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 Vierra/seconded by Durossette

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

APPOINTMENTS TO BOARDS/COMMISSIONS

- A. Appointment of Councilmember Lane as the Ceres City Council alternate representative to the League of Cities Central Valley Division Executive Committee.

MOTION: Appoint Councilmember Lane as the Ceres City Council alternate representative to the League of Cities Central Valley Division Executive Committee.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict with Item No. 7 stating that his firm has done work on the project.

CONSENT CALENDAR

1. Register of Audited Demands for period covering February 15–29, 2008.
2. Waiver of second reading and adoption of **Ordinance No. 2008-982** amending certain sections of Title 12 of the Ceres Municipal Code to regulate trench cutting in City streets.
3. **Resolution No. 2008-26** approving an agreement with EPS, Inc. to provide tax sharing agreement review and fiscal impact study for proposed annexations at a cost not to exceed \$44,500 and amending the FY 2007/08 Budget to provide financing for said agreement.
4. **Resolution No. 2008-27** approving an agreement with Daryl Willey to provide Consultant Services for Building Code Amendments and amending the FY 2007/08 Budget to appropriate funds.
5. **Resolution No. 2008-28** awarding Graffiti Removal Contract to Affordable Custom Painting. *Item removed from agenda at staff request.*
6. **Resolution No. 2008-29** establishing a change order approval policy for the City of Ceres Capital Improvement Construction Projects. **Pulled for further discussion.**

MOTION: Approve Consent Calendar Items 1 - 4 as recommended by staff.

MOVED: Moved by /seconded by

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

6. **Resolution No. 2008-09** establishing a change order approval policy for the City of Ceres Capital Improvement Construction Projects.

Len Shepherd, resident, asked if this policy would change the way in which the City pays for goods and services.

Ken Craig, Community Development Director, responded that this will not change but rather clarify the policy on how we address change orders for capital construction projects. In order to keep projects moving, it is desirable to have the ability to make decisions regarding changes within set limits. The recommended Change Order Approval Policy sets limits for changes that can be approved by Department Directors.

There being no further questions, Council made the following motion:

MOTION: Approve **Resolution No. 2008-09** establishing a change order approval policy for the City of Ceres Capital Improvement Construction Projects.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

UNFINISHED BUSINESS – None.

PUBLIC HEARING

- 7. Public Hearing to consider **Resolution No. 2008-30** approving a Planned Community Master Plan amendment to allow the reduction of front yard setback requirements to living areas of 15 duplex units for the Westpointe Estates Phase 4 Subdivision located at the Southwest Corner of Whitmore Ave. and Malik Ave. (Application No. PCMPA 07-18)

Ken Craig, Community Development Director, presented the staff report. Mr. Craig stated that in March of 2005, the City approved Westpointe Estates Phase 4 subdivision of the Westpointe Master Plan. The project was approved as a vesting tentative subdivision map with a Planned Community Development Plan for 95 residential lots of which 14 lots are devoted to 28 duplex units.

On January 22, 2008, the Planning Commission considered an amendment associated with the subdivision project. The amendment, which amends the Westpointe Master Plan for front yard setback reductions for 15 duplex units from 21 feet to 19 feet, requires Council approval.

The recommendation by the Planning Commission to approve the front yard setback reduction was based on the following criteria:

- A. The project was approved with the requirement of dedicating a 12-foot public utility easement. However, since the Final Map for the subdivision records to public utility easement as 10 feet in width, approving the proposed two foot reduction is acceptable.
- B. The amendment allows the duplex units to maintain their design so as to match the sizes of the single family homes of the subdivision, thereby blending in and maintaining a high quality of life for the single-family home development of the master plan area.
- C. With the exception of the front yard setback modification, all conditions of approval to the existing master plan shall continue to apply.

7:11 p.m. Mayor Cannella opened the Public Hearing

7:12 p.m. There being no one wishing to speak, the Public Hearing was closed.

MOTION: Resolution No. 2008-30 approving a Planned Community Master Plan amendment to allow the reduction of front yard setback requirements to living areas of 15 duplex units for the Westpointe Estates Phase 4 Subdivision located at the Southwest Corner of Whitmore Ave. and Malik Ave.

MOVED: Moved by Ochoa/seconded by Durossette

VOTE: Motion passed with Councilmember Lane absent and Mayor Cannella abstaining. (3/0/2)

NEW BUSINESS

- 8. **Resolution No. 2008-31** approving an amendment to the contract with RRM Design for interior design services for the Community Center and appointing a member of Council to the Ad Hoc Interior Design Committee.

Phil Scott, Public Works director, as the construction of the community center continues, a professional interior designer needs to be hired to work with the City to determine all aspects of the interior design of the facility, including those which will affect construction of the facility. The City currently has an existing agreement with RRM Design Group for the provision of Bidding and Construction Administration services. Staff is proposing an amendment to that agreement to add the required interior design services. These services will be provided by RRM and its subcontractor, Western Contract Furnishers (WCF). Staff believes given RRM's familiarity with the project, it would be the most suitable form for the provision of the interior design services. WCF has provided space planning, furnishing purchases and interior design services for 49 years. WCF, as interior designers, can purchase furniture and furnishings through CMAS which allows the best government rates.

Staff is also proposing the formation of an Interior Design Committee to help ensure an attractive facility. The Committee would be composed of a City Council member, Director of Recreation, Recreation Supervisor, Director of Public Works, Facility Maintenance Supervisor, A Ceres Youth Commissioner, a Ceres Senior Citizen Club Member and a representative from RRM Design and Western Contract Designers. Also included on the committee as a non-voting member is John Spingarn, Project Manager from Harris and Associates.

MOTION: Resolution No. 2008-31 approving an amendment to the contract with RRM Design for interior design services for the Community Center and approving the composition of the Ad Hoc Interior Design Committee.

MOVED: Moved by Ochoa/seconded by Durossette

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

MOTION: Appointing Councilmember Bret Durossette to represent the City Council on the Community Center Ad Hoc Interior Design Committee.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Councilmember Lane absent. (4/0/1)

9. **Ordinance No. 2008-983** amending Section 3.04.090 of Chapter 3.04, Title 3 of the Ceres Municipal Code to expand the exceptions to the competitive bidding process for purchases of supplies, services, furnishings and equipment. **(First Reading and Introduction)**

Mike Lyons, City Attorney, introduced the item explaining that the City's current purchasing ordinance contains provisions which require a formal noticed and published bidding process for purchases of supplies, services and equipment over \$25,000 and for purchases under \$25,000 requires at least three informal bids or quotes.

Certain limited exceptions to the formal bidding and informal securing of bids are provided in Section 3.04.090, Staff believes that there is a need to expand those exceptions to provide for greater flexibility of the purchasing process. This amendment will facilitate a more efficient and timely administrative process without jeopardizing the City's governmental obligation to its citizens to assure that the public revenues are being spent in a competent and prudent manner which provides reasonable assurance that the City has obtained a competitive market price for the goods and services it requires.

It is common in many cities to allow purchases of supplies, equipment and furnishings without complying with competitive bidding requirements where such purchases are made through cooperative purchasing programs. Cooperative purchasing programs are

agreements negotiated by public agencies where the price of a hose of various items is offered at prices which are usually significantly below market prices for comparable items.

Staff believes that the use of these cooperative purchasing programs will expedite the purchasing process for many items needed by the City and will provide reasonable assurance that the City is obtaining those items at competitive market prices.

MOTION: Waive full reading and have **Ordinance No. 2007-983** read by title and number only.

MOVED: Moved by Ochoa/seconded by Vierra

VOTE: Motion passed with Councilmember Lane absent. (4/0)

Mayor Cannella directed the City Clerk to read **Ordinance 2007-983** by number and title only.

MOTION: Approve **Ordinance No. 2007-983** Section 3.04.090 of Chapter 3.04, Title 3 of the Ceres Municipal Code to expand the exceptions to the competitive bidding process for purchases of supplies, services, furnishings and equipment for first reading and introduction.

MOVED: Moved by Ochoa/seconded by Vierra

VOTE: Motion passed with Councilmember Lane absent. (4/0)

7:33 p.m. Mayor Cannella adjourned the City Council Meeting to the Redevelopment Agency Meeting.

7:38 p.m. Mayor Cannella reconvened the City Council Meeting.

COUNCILMEMBER REFERRALS – None.

REPORTS

City Staff reported on various recent activities including the first community-wide meeting to discuss revitalization of the downtown to be held on March 12, 2008 at the American Legion Hall.

7:42 p.m. Mayor Cannella adjourned the meeting to closed session.

CLOSED SESSION

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

Property: 2743 4th Street, APN # 127-016-022

Property: 2745 4th Street, APN # 127-016-023

Property: 2904 4th Street, APN # 127-017-015

Property: 3004 5th Street, APN # 127-018-022

Property: 2912 4th Street, APN # 127-017-016

Agency negotiator: Mr. Brad Kilger, City Manager

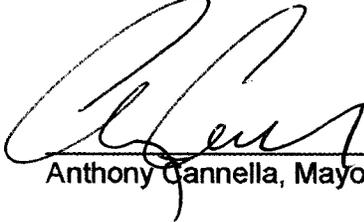
Negotiating parties: City of Ceres, Sukhdevs Tuma and Palvinderjitk Josan; William Bilson and Betty Bilson; Diego Garcia; Gerardo Gallegos and Susie Gallegos

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

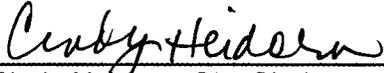
Purpose: Ultimate redevelopment of the downtown area including sites for various public facilities.

Mayor Cannella reconvened the City Council Meeting at 8:10 p.m. with nothing to report.

There being no further business, Mayor Cannella adjourned the meeting at 8:10 p.m. to the City Council Study Session to be held on March 20, 2008, in the City Council Chambers, 2210 Magnolia Street.



Anthony Cannella, Mayor



Cindy Heidorn, City Clerk