

CITY COUNCIL MINUTES

April 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 Mayor Cannella

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 a CYC Recruitment Drive scheduled for May 9, 2008; participation in the upcoming Ceres Street Fair; the Teen Room in the new Community Center and the creation of a CYC alumni group.

CITIZEN COMMUNICATIONS – None.

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

MOTION: Approve the agenda as posted 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. 7 stating that his firm has done work with Teichert Construction in the last 12 months.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Quarterly Grant Update.
 - b. Administrative Services Monthly Report for March, 2008.
 - c. Engineering Division Monthly Report for March, 2008.
 - d. Recreation Department Monthly Report for March, 2008.
 - e. Downtown Specific Plan Update.
2. Register of Audited Demands for period covering April 4 – 11, 2008.
3. **Resolution No. 2008-55** rejecting the claim of Debbie Highbaugh.
4. **Resolution No. 2008-56** rejecting the claim of Dawn Russell for Danielle Russell through their attorney, the Accident Attorneys' Group.

5. **Resolution No. 2008-57** adopting the addendum to the City of Ceres 2005 Urban Water Management & Conservation Plan.
6. **Resolution No. 2008-58** to donate Fire Engine #23 to the community of Rachel Nevada. **Pulled for further discussion.**
7. **Resolution No. 2008-59** accepting the Hatch Road Bike Path as complete, approving the Balancing Contract Change Order and authorizing the filing of a Notice of Completion and Retention Release to the Contractor. **Pulled for Conflict of Interest.**

MOTION: Approve Consent Calendar Items 1a-e and 2 – 5 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

6. **Resolution No. 2008-58** to donate Fire Engine #23 to the Community of Rachel Nevada.

Mayor Cannella asked staff what steps were taken to insure that we made every effort to find a potential buyer for the Fire Engine.

Phil Scott, Public Works Director, responded that staff has made every effort to find a potential buyer for the engine. Staff listed it for sale through Golden State Fire Apparatus but received no offers. Battalion Chief Bryan Hunt also contacted several agencies to see if there was any interest in purchasing the Fire Engine and there was none. Our only options were to donate it or sell it at auction. If we sold it at auction, the City could be liable if it were discovered that something was wrong with the Engine. The City of Rachel, Nevada is in need of a fire engine and given the age and condition of Fire Engine #23, staff felt the better choice was to donate the engine in as-is condition to the City of Rachel, Nevada. Rachel Nevada will pay for all transfer fees, fuel and transport insurance.

MOTION: Approve **Resolution No. 2008-58** donating Fire Engine #23 to the Community of Rachel, Nevada.

MOVED: Moved by Lane/seconded by Durossette

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

7. **Resolution No. 2008-59** accepting the Hatch Road Bike Path as complete, approving the Balancing Contract Change Order and authorizing the filing of a Notice of Completion and Retention Release to the Contractor.

Mayor Cannella recused himself from the dais for this item.

MOTION: Approve **Resolution No. 2008-59** accepting the Hatch Road Bike Path as complete, approving the Balancing Contract Change Order and authorizing the filing of a Notice of Completion and Retention Release to the Contractor

MOVED: Moved by Lane/seconded by Durossette

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

UNFINISHED BUSINESS – None

PUBLIC HEARING – None

NEW BUSINESS

8. **Resolution No. 2008-60** establishing the newly created Measure H fund, approving implementation of Measure H-supported police and fire service enhancements, authorizing Police Division positions and amending the FY 2007/08 Budget to implement said police safety service enhancements.

Art de Werk, Public Safety Director, addressed Council stating that the collections for Measure H began April 1, 2008. The State will begin disbursing the Measure H sales tax payments on June 25, 2008. To comply with the requirements of Measure H, a separate fund, identified as fund #262 has been created. This will enable the Citizen Oversight Committee to oversee the expenditures. Staff is requesting two modifications to the original plan adopted by Council.

The Measure H spending plan includes the hiring of three Police Officers and one Sergeant. Staff is requesting that the money to hire the Police personnel be loaned from the General Fund and repaid from sales tax revenue as it is received. This will allow the Street Crimes Unit to be operational by June 30, 2008.

Staff would also like to make a modification to the Spending Plan with regard to Fire Personnel. Initially, the plan adopted by Council called for the hiring of one Battalion Chief and six Firefighters. Staff would like to hire instead, two Battalion Chiefs and three Engineers. This structure will allow for 24/7 management coverage for the Fire Division.

MOTION: Approve **Resolution No. 2008-60** establishing the newly created Measure H fund, approving implementation of Measure H-supported police and fire service enhancements, authorizing Police Division positions and amending the FY 2007/08 Budget to implement said police safety service enhancements.

MOVED: Moved by Vierra/seconded by Durossette

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

9. **Resolution No. 2008-61** Opposing Proposition 98, the California Property Owners & Farmland Protection Act and **Resolution No. 2008-62** Supporting Proposition 99, the Homeowners & Private Property Protection Act.

Brad Kilger, City Manager introduced the item to Council stating that there are two propositions on the June 2008 ballot, both addressing eminent domain. Proposition 98, the California Property Owners & Farmland Protection Act and Proposition 99, the Homeowners and Private Property Protection Act. Proposition 98 would significantly limit local government's control over development and redevelopment in their own communities. Proposition 99 also seeks to control the use of eminent domain but focuses on limiting the taking of homes for private use or redevelopment. Current law allows redevelopment agencies to acquire private property for private development to eliminate blight; cities may use eminent domain for public works projects.

MOTION: Approve **Resolution No. 2008-61** Opposing Proposition 98, the California Property Owners & Farmland Protection Act and **Resolution No. 2008-62** Supporting Proposition 99, the Homeowners & Private Property Protection Act.

MOVED: Moved by Vierra/seconded by Lane

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

MOTION: Approve **Resolution No. 2008-62** Supporting Proposition 99, the Homeowners & Private Property Protection Act.
MOVED: Moved by Vierra/seconded by Lane
VOTE: **Motion passed unanimously. (5/0)**

COUNCILMEMBER REFERRALS

Council requested that staff find a study session date in May to interview all Measure H Committee Applicants.

REPORTS

Councilmembers and City Staff reported on various recent activities including the Blueprint Process meeting in Fresno, the Take Pride in Ceres Herndon Rd. community clean-up, Police Officer Memorial on May 7, 2008 at Lakewood Memorial and the upcoming Ceres Street Faire.

7:50 p.m. Mayor Cannella adjourned the meeting to closed session.

CLOSED SESSION

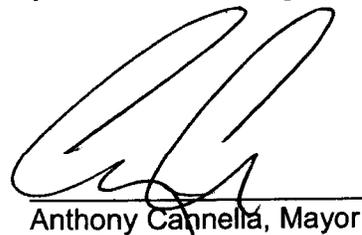
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager
Pursuant to Government Code Section 54957

CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Public Law Group
Employee Organization: Department Heads
Employee Organization: Mid-Management Employees
Employee Organization: First Line Supervisors/Confidential Group
Employee Organization: Ceres Department of Public Safety Firefighters Association
Employee Organization: Ceres Police Officers' Association
Pursuant to Gov't. Code Section 54957.6

There being no further business, Mayor Cannella adjourned the meeting at 8:50 p.m. to the next regularly scheduled meeting on May 26, 2008.



Anthony Cannella, Mayor



Cindy Heidorn, City Clerk