

CITY COUNCIL MINUTES

June 23, 2008

Mayor Cannella called the meeting 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 June 9, 2008.

MOTION: Approve the minutes of the regular meeting of June 9, 2008 as recommended by staff.

MOVED: Moved by Ochoa/seconded by Lane

VOTE: Motion passed with Vice-Mayor Vierra abstaining. (4/0/1)

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, urged everyone to exercise caution now that fire season has started. He also praised the Fire Department personnel as being the best in Stanislaus County.

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 Lane/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

APPOINTMENTS TO BOARDS/COMMISSIONS – None

CONFLICT OF INTEREST DECLARATION – Mayor Cannella stated that he had a conflict on Items 6 and 7. His firm has done business with Teichert Construction in the last 12 months.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - A. Engineering Divisions Monthly Report for May, 2008.
 - B. Public Works Dept. Monthly Report for May, 2008.
 - C. Recreation Department Monthly Report for April, 2008.
 - D. Building Department Monthly Report for May, 2008.
2. Register of Audited Demands for period covering May 30, 2008 through June 12, 2008.
3. **Resolution No. 2008-81** approving an agreement with Smokies Concessions to operate the Concession stand services at Ceres River Bluff Regional Park.
4. **Resolution No. 2008-82** authorizing the Public Works Director to execute the 10-year License Agreement with Pacific Gas & Electric (PG&E) for the installation of SMARTMETER Communications Equipment Technology on City owned streetlights.

5. **Resolution No. 2008-83** amending Year 1 of the Measure H 10-Year Expenditure Plan to authorize the hiring of two Battalion Chiefs and three Firefighters.
6. **Resolution No. 2008-84** approving a contract change order for the 2008 Storm Drain Project and amending the FY 2007/08 Budget to appropriate funds. **Pulled for further discussion and Conflict of Interest.**
7. **Resolution No. 2008-85** accepting the Richland Avenue Sidewalk Project as complete, approving the Balancing Contract Change Order, authorizing the Filing of the Notice of Completion and Retention Release to the Contractor. **Pulled for further discussion and Conflict of Interest.**

MOTION: Approve Consent Calendar items 1a-1d and 2-5 as recommended by Staff.

MOVED: Moved by Vierra/seconded by Durossette

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

6. **Resolution No. 2008-84** approving a contract change order for the 2008 Storm Drain Project and amending the FY 2007/08 Budget to appropriate funds.

Councilmember Durossette asked for Staff to explain why the items in the change order were not included in the original bid and for assurance that the City would not be paying for any extra work caused by the consulting engineer.

Mike Brinton, City Engineer, explained that confirmed that the consulting engineer would be responsible for any extra work which they caused.

MOTION: Approve **Resolution No. 2008-84** approving a contract change order for the 2008 Storm Drain Project and amending the FY 2007/08 Budget to appropriate funds.

MOVED: Moved by Ochoa/seconded by Lane

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

7. **Resolution No. 2008-85** accepting the Richland Avenue Sidewalk Project as complete, approving the Balancing Contract Change Order, authorizing the Filing of the Notice of Completion and Retention Release to the Contractor.

Councilmember Durossette requested an explanation as to why the increases in the Balancing Contract Change Order were not included in the original bid.

Mike Brinton, City Engineer, responded that it is difficult for a contractor to know the exact quantities of materials needed at the beginning of these types of projects. There are always some additions and deletions.

MOTION: Approve **Resolution No. 2008-85** accepting the Richland Avenue Sidewalk Project as complete, approving the Balancing Contract Change Order, authorizing the Filing of the Notice of Completion and Retention Release to the Contractor.

MOVED: Moved by Ochoa/seconded by Lane

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

UNFINISHED BUSINESS

8. **Resolution No. 2008-86** which authorizes Staff to submit an Out-of-Boundary Service Application to Stanislaus County Local Agency Formation Commission (LAFCO) on behalf of the El Rematito Flea Market for the extension of sewer service to property located at the northwest corner of Crows Landing and Hackett Roads. ***Continued from 06/09/08.***

Brad Kilger, City Manager, gave a brief overview of the staff report stating that this item originally appeared before Council at the meeting of January 9, 2008. At that time, Council requested further analysis of the impact of the sewer service extension request on the City's sewer capacity and ability to accommodate future growth. Staff provided a Water and Sewer analysis. The El Rematito Flea Market is expected to use approximately 1.62% of the remaining Industrial/ Commercial capacity and .3% of the remaining total disposal capacity.

Council discussed various pros and cons of extending out of boundary sewer service to the El Rematito Flea Market.

Armando Flores, representing El Rematito Market Place, urged Council support.

Steve Breckenridge, resident, spoke in support of the City submitting the out-of-boundary service application to LAFCO.

Council and staff discussed the well the City is placing on the El Rematito site and placed the following condition on the extension of out-of-Boundary sewer service:

The City will not request action from the LAFCO staff until such time as we have completed the terms on the well.

MOTION: approve **Resolution No. 2008-86** authorizing Staff to submit an out-of-boundary service application to LAFCO on behalf of the El Rematito Flea Market for the extension of sewer service to property located at the northwest corner of Crows Land and Hackett Roads *with the condition that Staff will not request action from LAFCO until such time as we have title to the well site.*

MOVED: Moved by Ochoa/seconded by Vierra

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

9. **Resolution No. 2008-87** approving the Stanislaus County 2008 Transportation Financial Expenditure Plan.

Brad Kilger, City Manager gave a brief overview of the County's 2008 Transportation Financial Expenditure Plan, stating that staff is recommending the Council support the plan. The transportation measure will generate \$700 million over the next 20 years to address transportation needs throughout Stanislaus County. It will allow our region to leverage additional state and federal funds, and will provide significant additional local road maintenance funds for the City.

Mr. Vince Harris, representing StanCOG requested Council's support for the Transportation Financial Expenditure Plan.

MOTION: Approve **Resolution No. 2008-87** approving the Stanislaus County 2008 Transportation Financial Expenditure Plan.

MOVED: Moved by Vierra/seconded by Durossette

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

PUBLIC HEARING

10. **Resolution No. 2008-88** adopting the Interim Budget for FY 2008/09 and approving positions for 2008/09 and **Resolution No. 2008-89** adopting the appropriations limitation for Fiscal Year 2008/09 and authorizing a spending limit through September 30, 2008.

Sarah Ragsdale, Administrative Services Director, gave a brief overview of the staff report.

8:02 p.m. the Public Hearing was opened.

8:03 p.m. there being no one wishing to speak the Public Hearing was closed.

MOTION: **Resolution No. 2008-88** adopting the Interim Budget for FY 2008/09 and approving positions for 2008/09 and **Resolution No. 2008-89** adopting the appropriations limitation for Fiscal Year 2008/09 and authorizing a spending limit through September 30, 2008.

MOVED: Moved by Lane/seconded by Durossette

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

NEW BUSINESS

None

8:04 p.m. Mayor Cannella adjourned to the Ceres Redevelopment Agency Meeting.

8:05 p.m. Mayor Cannella reconvened the City Council Meeting.

COUNCILMEMBER REFERRALS

Vice-Mayor Vierra requested that the City to bring back the Proclamation supporting the San Joaquin Valley Air Pollution Control District's Healthy Air Living Initiative.

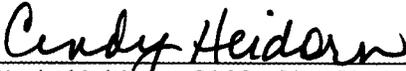
REPORTS

Council and Staff had nothing to report.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, CMC, City Clerk

CERES REDEVELOPMENT AGENCY MINUTES

July 14, 2008

Chairman Cannella called the Redevelopment Agency Meeting to order at 8:35 p.m. with the following in attendance:

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

APPROVAL OF THE MINUTES of the regular meeting of June 23, 2008.

MOTION: Approve the minutes of the regular meeting of June 23, 2008.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

CITIZEN COMMUNICATIONS None

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

CONFLICT OF INTEREST DECLARATION – None

CONSENT CALENDAR

1. **Resolution No. 2008-11** (CRA) amending the agreement for Professional Services with L. Patrick Samsell, LLC.

MOTION: **Resolution No. 2008-11** (CRA) amending the agreement for Professional Services with L. Patrick Samsell, LLC.

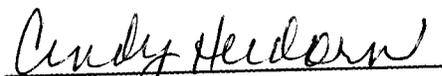
MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

There being no further business Chairperson Cannella adjourned the Redevelopment Agency meeting at 8:41 p.m.


Chairperson Cannella

ATTEST:


Cindy Heidorn, Secretary

