

CITY COUNCIL MINUTES

August 25, 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 Mayor Cannella

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, expressed his appreciation of Fire Station #4 and the open house recently held there.

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

MOTION: Approve the agenda as posted and certification of posting.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

APPOINTMENTS TO BOARDS/COMMISSIONS

- A. **Resolution No. 2008-112** appointing Mayor Cannella as the Council representative on a Regional Infrastructure Ad-Hoc Committee to explore emerging opportunities regarding regional approaches to the provision of infrastructure.

MOTION: Approve **Resolution No. 2008-112** appointing Mayor Cannella as the Council representative on a Regional Infrastructure Ad-Hoc Committee to explore emerging opportunities regarding regional approaches to the provision of infrastructure.

MOVED: Moved by Vierra /seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict with Item No. 4 stating that he lives within 500 feet of the property.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Administrative Services Monthly Report for July, 2008.
 - b. Engineering Division Monthly Report for July, 2008.
 - c. Public Works Monthly Report for July, 2008.
 - d. Monthly Legislation Tracking Report.
2. Register of Audited Demands for period covering August 1 - 5, 2008.
3. **Resolution No. 2008-113** approving Amendment No. 1 to Cooperative Agreement with the State of California Department of Transportation to reduce the amount contributed by the City for construction of the SR99/Whitmore Avenue Interchange.

4. **Resolution No. 2008-114** approving the Lot Line Adjustment for Steven & Elssy Perkins and Loren & Elsie Mendonca at 704 and 718 Lars Court, Modesto, CA 95351. **Pulled for Conflict of Interest.**
5. **Resolution No. 2008-115** awarding the bid for the provision and laundering of worker clothing, foot mats and scrapers and shop and bath towels to UniFirst Holdings, and approving the contract for said services. **Pulled for further discussion.**
6. **Resolution No. 2008-116** approving a loan agreement with the Housing Authority of the County of Stanislaus in the amount of \$240,000 for the rehabilitation of 54 units at the Ceres Farm Labor Center. **Pulled for further discussion.**
7. **Resolution No. 2008-117** approving Amendment No. 1 to the Cooperative agreement with the County of Stanislaus for the performance of Building Inspection Services. **Pulled for further discussion.**
8. **Resolution No. 2008-118** approving an agreement with Pacific Design Associates for design development services relating to the Costa Ball Fields Complex renovation. **Pulled for further discussion.**
9. **Resolution No. 2008-119** opposing fiscally irresponsible State Budget decisions that would "borrow" Local Government, Redevelopment and Transportation funds.
10. **Resolution No. 2008-120** approving an agreement for the continuation of a School Resource Officer MOU with Ceres Unified School District for enforcement services.

MOTION: Approve Consent Calendar Items 1a – d, 2, 3, 9 and 10 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

4. **Resolution No. 2008-114** approving the Lot Line Adjustment for Steven & Elssy Perkins and Loren & Elsie Mendonca at 704 and 718 Lars Court, Modesto, CA 95351. **Pulled for Conflict of Interest.**

MOTION: Approve **Resolution No. 2008-114** approving the Lot Line Adjustment for Steven & Elssy Perkins and Loren & Elsie Mendonca at 704 and 718 Lars Court, Modesto, CA 95351.

MOVED: Moved by Lane/seconded by Ochoa

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

5. **Resolution No. 2008-115** awarding the bid for the provision and laundering of worker clothing, foot mats and scrapers and shop and bath towels to UniFirst Holdings, and approving the contract for said services.

Len Shepherd asked the amount of the contract and whose clothing we are laundering.

Mayor Cannella responded that the contract is in the amount of \$17,483.00.

Mr. Kilger responded that Street, Facilities, Park, Sewer and Water crews all have uniforms and they are laundered. Public Safety also has uniforms laundered however they have a separate contract.

6. **Resolution No. 2008-116** approving a loan agreement with the Housing Authority of the County of Stanislaus in the amount of \$240,000 for the rehabilitation of 54 units at the Ceres Farm Labor Center.

Len Shepherd, resident, asked if the \$240,000.00 was being funded by the City.

Mr. Kilger, City Manager, explained that the money was part of an annual housing fund allocation received from the State to be used for low- and moderate-income housing projects. The City is loaning this to the Stanislaus County Housing Authority because they are the group that generally oversee low-income housing in the County.

MOTION: Approve **Resolution No. 2008-115** awarding the bid for the provision and laundering of worker clothing, foot mats and scrapers and shop and bath towels to UniFirst Holdings, and approving the contract for said services and **Resolution No. 2008-116** approving a loan agreement with the Housing Authority of the County of Stanislaus in the amount of \$240,000 for the rehabilitation of 54 units at the Ceres Farm Labor Center.

MOVED: Moved by Vierra/seconded by Durossette

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

7. **Resolution No. 2008-117** approving Amendment No. 1 to the Cooperative agreement with the County of Stanislaus for the performance of Building Inspection Services.

Mayor Cannella asked staff how if the County was performing to our expectations.

Ken Craig, Community Development Director confirmed that the County was performing to our expectations.

MOTION: A **Resolution No. 2008-117** approving Amendment No. 1 to the Cooperative agreement with the County of Stanislaus for the performance of Building Inspection Services.

MOVED: Moved by Vierra/seconded by Lane

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

8. **Resolution No. 2008-118** approving an agreement with Pacific Design Associates for design development services relating to the Costa Ball Fields Complex renovation.

Mayor Cannella requested that staff amend the contract to include the preparation of Record Drawings which is currently listed on page 18 of the contract under "Additional Services not included".

MOTION: **Resolution No. 2008-118** approving an agreement with Pacific Design Associates for design development services relating to the Costa Ball Fields Complex renovation including the preparation of Record Drawings.

MOVED: Moved by Vierra/seconded by Lane

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

UNFINISHED BUSINESS

11. Consideration of Ceres Mobile Home Park Ad-hoc Committee recommendation regarding Mobile Home Park Space Rents.

Mike Lyons, City Attorney, briefed Council on the Mobile Home Park Ad-Hoc Committee activities over the past two years and stated the following conclusion:

Since there is no feasible ordinance or policy solution to the existing circumstances affecting certain mobile home park residents in Ceres, that the City is legally or financially in the position of implementing, the City of Ceres Mobile Home Park Ad Hoc Committee recommends that its activities be concluded and that the City Council take no further action regarding the mobile home park space rents for the foreseeable future.

Those expressing their disapproval of the committee's decision:

- Sharon Burch, resident
- Harold Camden, resident

Those expressing approval of the committee's decision:

- Leonard Shepherd, resident

MOTION: Approve and accept the recommendation of the Ceres Mobile Home Park Ad-Hoc Committee.

MOVED: Moved by Vierra/seconded by Durossette

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

PUBLIC HEARING - None

NEW BUSINESS

12. **Ordinance No. 2008-989** repealing Chapter 5.24 of the Ceres Municipal Code, CATV Franchise, and Enacting a New Chapter 5.24 to Implement the Digital Infrastructure and Video Competition Act of 2006. **First Reading and Introduction**

Mike Lyons, City Attorney gave a brief overview of the Ordinance.

MOTION: Instruct the Clerk to read **Ordinance No. 2007-989** by Title and Number only.

MOVED: Moved by Lane/seconded by Vierra

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

Mayor Cannella directed the City Clerk to read **Ordinance 2007-989** by number and title only.

MOTION: Approve for first reading and introduction **Ordinance No. 2008-989** repealing Chapter 5.24 of the Ceres Municipal Code, CATV Franchise, and Enacting a New Chapter 5.24 to Implement the Digital Infrastructure and Video Competition Act of 2006.

MOVED: Moved by Lane/seconded by Vierra

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

COUNCILMEMBER REFERRALS - None

REPORTS

City Council and Staff reported on various activities including Concerts in the Park, the new Street Crimes Unit and a Fire Fighter Swearing-In on July 28, 2008.

OPEN CERES REDEVELOPMENT AGENCY MEETING

8:08 p.m. – The Joint City Council/Redevelopment Agency adjourned to Closed Session

CITY COUNCIL CLOSED SESSION ITEMS:

CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Public Law Group
Employee Organization: Department Head Group
Pursuant to Gov't. Code Section 54957.6

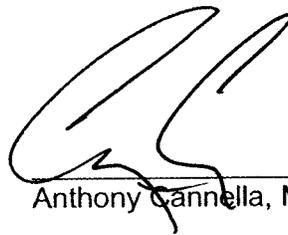
CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Public Law Group
Employee Organization: Mid-Management Employees
Pursuant to Gov't. Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Public Law Group
Employee Organization: First Line Supervisors/Confidential Bargaining Group
Pursuant to Gov't. Code Section 54957.6

9:20 p.m. – There being nothing further to discuss the Joint City Council/Redevelopment Agency adjourned with nothing to report.



Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk