

## CITY COUNCIL MINUTES

**October 13, 2008**

Mayor Cannella called the City Council 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 Ken Sylvia, Youth for Christ

**PLEDGE OF ALLEGIANCE** to the flag led by Mayor Cannella.

**APPROVAL OF THE MINUTES** of the regular meeting of September 8 and September 22, 2008.

**MOTION:** Approve the minutes of the regular meetings of September 8, 2008

**MOVED:** Moved by /seconded by

**VOTE:** **Motion passed unanimously.**

**MOTION:** Approve the minutes of the regular meetings of September 22, 2008 with the following amendment to Item No. 8: *Motion passed with Councilmembers Lane and Durossette voting No. (3/2)*

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

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

### **CITIZEN COMMUNICATIONS**

- Len Shepherd, resident expressed his dislike of higher taxes and his disapproval of Measure S, the proposed half-cent sales tax increase to improve roads in Stanislaus County.

### **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 Ochoa

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

**APPOINTMENTS TO BOARDS/COMMISSIONS** - None

**CONFLICT OF INTEREST DECLARATION** - None

### **CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Quarterly Grant Update.
  - b. Building Department Activity Report for September, 2008.

2. Register of Audited Demands for period covering September 12 – October 13, 2008.
3. **Resolution No. 2008-138** amending the Conflict of Interest Code for the City of Ceres to Reflect Changes in the Organization and Title Changes. **Pulled for further discussion.**
4. **Resolution No. 2008-139** approving a Professional Services Contract with Water Solutions Inc., to perform Professional Consulting Services relating to; water quality, treatment, and water production. **Pulled for further discussion.**
5. **Resolution No. 2008-140** approving a Landscape Maintenance Contract with Howard Training Center for maintenance of the Ceres Right of Ways, Center Medians, Planter Strips and Ponds.
6. Receive Recommendation and Report of Planning Commission Annual Review of Development Agreement for property located at northeast corner of Mitchell Road and Fowler Road, per Ceres Municipal Code Section 18.70.130, and Set Public Hearing date of October 27, 2008 to consider the matter.
7. **Resolution No. 2008-141** approving Amendment No. 1 to the Professional Services Agreement with Wood Rodgers Inc. for additional studies and services relating to preparation of the Specific Plan for the West Ceres Study Area (CWSA) and Environmental Impact Report. **Pulled for further discussion.**

MOTION: Approve Consent Calendar Items 1a, b, 2, 5 and 6

MOVED: Moved by Lane/seconded by Vierra

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

#### **CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR**

3. **Resolution No. 2008-138** amending the Conflict of Interest Code for the City of Ceres to Reflect Changes in the Organization and Title Changes. **Pulled for further discussion.**

Len Shepherd, resident, asked for clarification on the changes in Conflict of Interest Code.

Mayor Cannella responded that the titles for certain positions have changed and this Resolution updates the City's Conflict of Interest Code to reflect those changes, for example, the Director of Municipal Utilities is now the Public Works Director.

MOTION: Approve **Resolution No. 2008-138** amending the Conflict of Interest Code for the City of Ceres to Reflect Changes in the Organization and Title Changes

MOVED: Moved by Lane/seconded by Vierra

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

4. **Resolution No. 2008-139** approving a Professional Services Contract with Water Solutions Inc., to perform Professional Consulting Services relating to; water quality, treatment, and water production. **Pulled for further discussion.**

Council expressed concerns that the hourly rates listed on the Schedule of Compensation were not in alignment with hourly rates charged in Ceres and Modesto for the same services.

Phil Scott, Public Works Director responded that currently the company is charging us a

reduced rate for certain services, not the prices listed on the Schedule of Compensation.

**MOTION:** Approve **Resolution No. 2008-139** approving a Professional Services Contract with Water Solutions Inc., to perform Professional Consulting Services relating to; water quality, treatment, and water production.

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

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

7. **Resolution No. 2008-141** approving Amendment No. 1 to the Professional Services Agreement with Wood Rodgers Inc. for additional studies and services relating to preparation of the Specific Plan for the West Ceres Study Area (CWSA) and Environmental Impact Report. **Pulled for further discussion.**

Council expressed concerns that the Contractor was requesting an additional \$75,000.00 for items they did not include in the original bid. Since the fees are being paid by the Applicant, West Ceres Owners Group, Council asked if they were comfortable with the increased costs.

Dave Romano, on behalf of the West Ceres Owners Group, stated that they were also surprised that the number was so substantial however, after lengthy discussion with Wood Rodgers, they were comfortable with it. Mr. Romano further stated that any future requests for additional funding will be scrutinized closely.

Sandy Vance, represent Wood Rodgers Inc., expressed to Council that they do not foresee any additional change orders for the project.

Council cautioned them that any actions taken without prior Council approval would be at their own risk.

**MOTION:** Approve **Resolution No. 2008-141** approving Amendment No. 1 to the Professional Services Agreement with Wood Rodgers Inc. for additional studies and services relating to preparation of the Specific Plan for the West Ceres Study Area (CWSA) and Environmental Impact Report.

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

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

**UNFINISHED BUSINESS – None.**

## **PUBLIC HEARING**

8. Public Hearing and **Resolution No. 2008-142** to consider adoption of the Turlock Groundwater Basin Association Groundwater Management Plan and to amend and supersede the existing plan, finding that the plan is exempt from the California Environmental Quality Act, and authorizing filing of notice of exemption (P. Scott)

Phil Scott, Director of Public Works introduced the item stating that the City of Ceres overlies Turlock Groundwater Sub-basin and currently receives approximately 100% of its annual water supply from groundwater wells located throughout this basin.

In 1992 and 2002, the State of California passed legislation which provided local public agencies increased management authority over their groundwater resources and encouraged them to work cooperatively tighter in the development of a Groundwater Management Plan. The purpose of the Groundwater Management Plan is to provide a framework for coordinating management activities between affected agencies by ensuring groundwater sources are reliable to meet current and long-term demands.

Having an adopted Groundwater Management Plan will allow the City to apply for Federal and State Loan and Grant programs dealing with drought relief, water quality and groundwater projects.

7:25 p.m. Mayor Cannella opened the Public Hearing.

7:26 p.m. There being no one wishing to speak, the Public Hearing was closed.

**MOTION:** Approve **Resolution No. 2008-142** to consider adoption of the Turlock Groundwater Basin Association Groundwater Management Plan and to amend and supersede the existing plan, finding that the plan is exempt from the California Environmental Quality Act, and authorizing filing of notice of exemption

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

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

**NEW BUSINESS** – None.

**COUNCILMEMBER REFERRALS** – None.

**REPORTS** – None.

7:27 p.m. Mayor Cannella adjourned the City Council meeting to the Meeting of the Ceres Redevelopment Agency.

  
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Anthony Cannella, Mayor  
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Cindy Heidorn, CMC, City Clerk