

## CITY COUNCIL MINUTES

November 10, 2008

Mayor Cannella called the November 10, 2008 City Council Meeting to order at 7:00 p.m. with the following in attendance:

Council Members: Durossette, Lane, Ochoa, Vierra, Mayor Cannella

**INVOCATION** by Pastor Mark Whitehead, Victory Assembly of God.

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

**APPROVAL OF THE MINUTES** of the regular meeting of October 27, 2008.

**MOTION:** Approve the Minutes of the regular meetings of October 27, 2008, as recommended by staff.

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

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

**APPROVAL OF THE MINUTES** of the Annual Meeting of Elected Bodies held October 14, 2008.

**MOTION:** Approve the Minutes of the Annual Meeting of Elected Bodies held October 14, 2008.

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

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

### CITIZEN COMMUNICATIONS

- Leonard Shepherd, resident, commented that he was in disagreement with the use of Consultants for various City projects. Mr. Shepherd stated that he felt it was not a good use of City funds.

### 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

Vice Mayor Vierra declared a conflict with Item No. 9 stating that his employer is currently working with Meritage Homes.

Mayor Cannella declared a conflict with Item No. 7 stating that his firm has done business with the Contractor, Rolfe Construction, in the last 12 months.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Building Department Monthly Report for October, 2008.
  - b. Engineering Division Monthly Report for October, 2008.
2. Register of Audited Demands for period covering October 20 – 27, 2008.
3. **Resolution No. 2008-149** approving the Ceres Redevelopment Agency Conflict of Interest Code.
4. Cancellation of the December 22, 2008 City Council Meeting.
5. Closure of the Public Review Period and approval of **Resolution No. 2008-150** amending the CDBG Annual Action Plan for FY 2008-09 to include the Neighborhood Stabilization Program funding allocated to the City of Ceres. **Pulled for further discussion.**
6. **Resolution No. 2008-151** approving the purchase of the Intellitime Dynamic Staff Scheduling Software System and **Resolution No. 2008-152** approving an agreement with L. Patrick Samsell, LLC for consulting services for the implementation of the Intellitime Dynamic Staff Scheduling Software Program and amending the FY 2008/09 Budget to appropriate funds.
7. **Resolution No. 2008-153** accepting the 2008 Water Project as complete, approving the balancing contract change order, authorizing the filing of the Notice of Completion and retention release to the contractor. **Pulled due to conflict of interest.**
8. Set the Public Hearing date of November 24, 2008 for acceptance of Nexus Study and Adoption of Public Facilities Fees.
9. **Resolution No. 2008-154** authorizing completion of the purchase of real property from Meritage Homes of California, Inc., for parkland purposes; approving a budget amendment to appropriate funds; and authorizing acceptance of a deed to said property. **Pulled due to conflict of interest.**

MOTION: Approve Consent Calendar Items 1a, 1b, 2-4, 6 and 8 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

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

5. Closure of the Public Review Period and approval of **Resolution No. 2008-150** amending the CDBG Annual Action Plan for FY 2008-09 to include the Neighborhood Stabilization Program funding allocated to the City of Ceres.

Vice Mayor Vierra asked for further clarification on the grant process.

Bryan Briggs, Economic Development Manager explained the process for submitting the grant and allocating the funds. Mr. Briggs stressed that the Council will make the final decision on any funds disbursed through the program.

**MOTION:** To Close the Public Review Period and approve **Resolution No. 2008-150** amending the CDBG Annual Action Plan for FY 2008-09 to include the Neighborhood Stabilization Program funding allocated to the City of Ceres.

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

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

7. **Resolution No. 2008-153** accepting the 2008 Water Project as complete, approving the balancing contract change order, authorizing the filing of the Notice of Completion and retention release to the contractor. Pulled due to conflict of interest.

**MOTION:** **Resolution No. 2008-153** accepting the 2008 Water 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 Lane/seconded by Ochoa

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

9. **Resolution No. 2008-154** authorizing completion of the purchase of real property from Meritage Homes of California, Inc., for parkland purposes; approving a budget amendment to appropriate funds; and authorizing acceptance of a deed to said property.

Council expressed concern that the City is purchasing the parkland for a cost that is more than the current market value of the property.

Ken Craig, Community Development Director, stated that the Subdivision Map Act requires that, where the City reserves land for park use, the City is required to purchase that property based on the land valuation at the time the map was deemed complete by the City.

Mike Lyons, City Attorney, concurred with Mr. Craig's comments and added that when the City accepted the final map and improvements for the subdivision, it entered into a purchase agreement for the property. Should the Council decide not to purchase the property, the City would be in breach of that contract and subject to a law suit by the developer.

After further discussion, Council made the following motion:

**MOTION:** **Resolution No. 2008-154** authorizing completion of the purchase of real property from Meritage Homes of California, Inc., for parkland purposes; approving a budget amendment to appropriate funds; and authorizing acceptance of a deed to said property.

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

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

**UNFINISHED BUSINESS – None.**

**PUBLIC HEARING – None.**

**NEW BUSINESS – None.**

7:25 p.m. Mayor Cannella opened the Ceres Redevelopment Committee Meeting.

7:30 p.m. Mayor Cannella reconvened the City Council Meeting.

**COUNCILMEMBER REFERRALS** – Councilmember Lane requested that the current Street Sweeping Contract be placed on the December 8, 2008 City Council Meeting Agenda.

**REPORTS**

City Council and Staff reported on various activities including the October 31, 2008, Halloween Festival held in Smyrna Park.

7:35 p.m. Mayor Cannella adjourned the Council Meeting to Closed Session

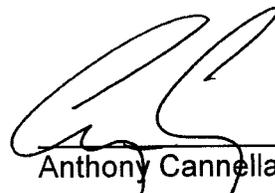
**CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS**

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

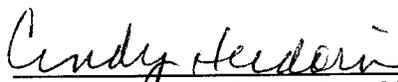
7:45 p.m. Mayor Cannella reconvened in open session with nothing to report.

7:45 p.m. There being no further business, the Council meeting was adjourned to the City Council Study Session to be held on November 24, 2008 at 5:00 p.m. in the City Council Chambers located at 2210 Magnolia Street.



Anthony Cannella, Mayor

ATTEST:



Cindy Healdorn, CMC, City Clerk