

# CITY COUNCIL MEETING MINUTES

February 23, 2009

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 Pastor Adrian Condit, Freewill Baptist Church.

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

## PRESENTATIONS

A. Report by Ceres Youth Commission.

Doug Lemcke, Recreation Director, gave a recap of the current activities of the Youth Commission including a recent Cram the Sam coat and blanket drive for needy families which concluded with a spaghetti dinner for the families at the Legion Hall. Mr. Lemcke also announced the upcoming Joint Ceres/Turlock Youth Commission Meeting and a clean-up day at River Bluff Regional Park on April 25<sup>th</sup>.

B. Ceres Unified School District Superintendent Dr. Hanline and Board Member Theresa Guerra representing the Measure U Committee, presented a plaque to Council and thanked them for their support during the election.

## CITIZEN COMMUNICATIONS

- Len Shepherd, resident, commended the Youth Commission for their efforts. Mr. Shepherd further stated that families need to take responsibility for themselves and teach their children responsibility.
- Robert Hall, resident, spoke regarding the current Parking Ordinance. Mr. Hall asked what constitutes commercial uses or industrial uses within residential areas as referred to in MC 18.12.100.

Staff responded that it was not a simple answer and that research needed to be done before we could respond. Mike Lyons, City Attorney, will prepare a response for Mr. Hall.

## 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** – Vice Mayor Vierra declared a conflict with Item #10, his firm has done work for a sub-consultant listed with the applicant.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Public Works Dept. Monthly Report for January, 2009. Engineering Dept. Monthly Report for January, 2009.
  - b. Administrative Services Monthly Report for January, 2009.
  - c. Recreation Dept. Monthly Report for December 2008 and January, 2009.
2. Register of Audited Demands for period covering January 30–February 13, 2009.
3. **Resolution No. 2009-14** approving a Budget Amendment to Fiscal Year 2008/09 for additional payments to RRM Design Group in the amount of \$15,050. **PULLED FOR FURTHER DISCUSSION.**
4. **Resolution No. 2009-15** approving an agreement with Ceres Garden Club for use of the Community Center in exchange for maintaining live plants within the Center. **PULLED FOR FURTHER DISCUSSION.**

MOTION: Consent Calendar Items 1a-1c and Item 2.

MOVED: Moved by Vierra/seconded by Lane

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

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

3. **Resolution No. 2009-14** approving a Budget Amendment to Fiscal Year 2008/09 for additional payments to RRM Design Group in the amount of \$15,050.

Len Shepherd, resident, asked for clarification of this item.

Council responded that this item was presented to Council at the last meeting and was discussed in detail. At that meeting Council approved a portion of the request and denied a portion of the request. The item is being brought back tonight for approval of the Budget Amendment.

MOTION: Approve **Resolution No. 2009-14** approving a Budget Amendment to FY 2008/09 for additional payments to RRM Design Group in the amount of \$15,050.

MOVED: Moved by Lane/seconded by Durossette

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

4. **Resolution No. 2009-15** approving an agreement with Ceres Garden Club for use of the Community Center in exchange for maintaining live plants within the Center.

Mayor Cannella commended the Garden Club for their creative thinking and for taking on the project.

MOTION: Approve **Resolution No. 2009-15** approving an agreement with Ceres Garden Club for use of the Community Center in exchange for maintaining live plants within the Center.

MOVED: Moved by Vierra/seconded by Lane

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

**UNFINISHED BUSINESS**

5. **Resolution No. 2009-XXX** approving an agreement for professional consultant services with RBF Consulting to perform professional planning services relating to the 2009 Update of the Housing Element of the General Plan. ***Continued from January 26, 2009.***

Staff requested the item be continued to the meeting of March 23, 2009.

MOTION: Continue Item to the City Council Meeting of March 23, 2009.

MOVED: Moved by Lane/seconded by Durossette

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

6. **Resolution No. 2009-16** approving a severance package for employees laid off as a result of the Deficit Reduction Plan.

Sarah Ragsdale, Administrative Services Director, introduced the item stating that on February 9, 2009, Council reviewed and approved the Phase I Reorganization and Expenditure Plan. The Plan implemented an immediate reduction in staff positions. The effective date for the layoffs was February 20, 2009. At that meeting, staff recommended a minimal severance package to help blunt the financial impact to employees who are members of the organization in good standing, but are the unfortunate casualties of a severe economic downturn. Council directed staff to come back with some severance package alternatives for consideration.

Ms. Ragsdale presented five alternatives based on years of service. The alternatives labeled A through E ranged in compensation from two to six weeks of pay for five or less years of service; three to seven weeks of pay for 10 or less years of service and four to eight weeks of pay for more than 10 years of service. Each alternative included one month of medical benefits based on the coverage currently used by the individual employee.

Staff recommended that eligibility for severance pay and health coverage shall terminate on December 31, 2009, unless extended by the City Council.

- Len Shepherd, resident, urged Council to do as much as they could for the affected employees.

Council discussed the various severance package options at length weighing the benefit to the displaced employees against the effect to the General Fund. The majority of the Council felt that Option C which included four weeks of salary and one month of health benefits for five or less years and five weeks of salary and one month of health benefits for 10 or less years was reasonable (no employee affected had more than 10 years of service). Council also felt that one additional month of health benefits should be added to Option C for a total cost of \$54,477 and a cost to the General Fund of \$37,488.

MOTION: Approve **Resolution No. 2009-16** approving Severance Package Option C with an additional month of health coverage based on the coverage currently used the individual employees.

MOVED: Moved by Durossette/seconded by Ochoa

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

7. **Resolution No 2009-17** Council consideration of Agreement for Professional Consultant Services with JES Engineering.

Glenn Gebhardt, City Engineer, introduced the staff report stating that at the January 26, 2009 City Council Meeting staff requested a six month extension of Mr. Brinton's contract to aide in the transition of the new City Engineer hired on January 13, 2009. Council only approved a 30-day extension of the contract and directed staff to provide an update in 30 days. The City is in the midst of several major long-term projects. Any transition that does not include substantial time to pass on information regarding past actions and history as well as present status of projects, will greatly result in slowing down the contributions of the Engineering Division and would potentially result in losing the benefits of past efforts. Examples include the Service Mitchell Interchange design, the Whitmore Interchange construction, the TID Surface Water Negotiations and anticipated design and construction project, plus a variety of proposed utility improvements.

Due to the time in which Mr. Michael Brinton has been with the City and thereby become involved in many important projects, it is critical for the continuity and project movement that he continue to be involved until the new City Engineer is up to speed and an Assistant City Engineer replacement is hired. Staff is currently advertising for an Assistant City Engineer, however it will take some time to recruit and get someone onboard.

Councilmember Lane expressed concern that 90-days was too long to commit especially if we are able to find an Assistant City Engineer quickly. He suggested that staff continue with the 30-day approval and review process.

The majority of Council felt that it would take at least 90 days to hire someone and familiarize them with the projects.

After further Council discussion Council made the following motion:

MOTION: Approve **Resolution No. 2009-17** approving the 90 day amendment to the Agreement for Professional Consultant Services with JES Engineering.

MOVED: Moved by Durossette/seconded by Ochoa

**VOTE: Motion passed with Councilmember Lane voting No (4/1)**

8. **Resolution No. 2009-18** approving the Ceres Community Center Facility Use Policies and Procedures.

Doug Lemcke, Recreation Director, reported to Council that the Ceres Community Center is projected to open this spring to the general public. In order to prepare for the Center's opening, many policies and procedures need to be determined. On January 15, 2009 the policies and procedures manual was discussed at a Council Study Session. Staff incorporated any changes that were determined at that meeting. The Policy and Procedures Manual includes: hours of operation, reservation procedures, insurance requirements, alcohol/tobacco regulations, catering/kitchen policies, operating regulations, sponsorships, budget projections, facility use fees and equipment rental fees.

MOTION: Approve **Resolution No 2009-18** approving the Ceres Community Facility Use Policies and Procedures.

MOVED: Moved by Ochoa/seconded by Lane

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

9. **Resolution No. 2009-19** approving Ceres Community Center operations budget, staffing and funding sources.

Doug Lemcke, Recreation Director, addressed Council regarding the Operations Budget, Staffing and Funding Sources for the Community Center. Per Council direction, no new full-time staff will be hired instead the City will contract with a private company for custodial and use non-benefited part-time staff to function as events coordinators, site monitors. This will allow the City to have more flexibility in scheduling. The rental rates for the Community Center are set to cover the direct operating costs incurred for private rentals. Such costs include a part-time coordinator, site monitor and a part-time custodian to work the large events in the assembly rooms on evenings and weekends. Staff estimates that it will take three full years before the Center reaches "stabilized operations". In order to fund the operations of the Center during the interim, the City of Ceres will sell the Whitmore House to the Ceres Redevelopment Agency for \$374,000.

MOTION: Approve **Resolution No. 2009-19** approving Ceres Community Center Operations budget, staffing and funding sources.

MOVED: Moved by Durossette/seconded by Vierra

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

## **PUBLIC HEARING**

10. Public Hearing – **Resolution No. 2009-20** considering an appeal from the Halferty Development Company, LLC. regarding the proposed Rite Aid development at the Northeast corner of Mitchell Road and Fowler Road.

Tom Westbrook, Senior Planner presented Council with an overview of the project's history. On December 30, 2008, staff sent the applicant the conditions of approval that were being considered for the project. The applicant appealed several of the conditions of approval however all but three were resolved prior to the Council meeting.

Condition 7 – Landscape Maintenance. The Applicant only wants to be responsible for landscape maintenance for only that part of the property that has relevance to their project.

Condition 8 – Undergrounding Utilities. The Applicant requested the City accept a cash payout in the amount of \$26, 625.00 in lieu of undergrounding the utilities.

Condition 3 – The applicant has requested a reduction in the amount of parking spaces as submitted in the original site plan from 84 to 70.

Staff feels the conditions of approval for this development are standard conditions that are typically imposed on commercial development projects of this nature and are consistent with the City's General Plan policies.

Mr. Chris Peto, representing Halferty Development Company explained to Council that Halferty Development and staff have worked together and resolved several issues to date and these were the remaining three requests. He then explained his reasoning behind the requests.

8:17 p.m. Mayor Cannella opened the Public Hearing.

8:18 p.m. There being no one wishing to speak, the Public Hearing was closed.

After some Council discussion regarding the applicant's requests, Council determined that since the adjoining parcel was not yet developed, staff should not require the additional parking spaces or the landscaping requirements. This will allow the developer of the adjacent property the most flexibility when the parcel is developed.

Council directed staff to make the following amendments to Project Specific Conditions 7 and 8 and Planning Division Condition 3:

Project Specific Condition 7 shall read: "A Landscape Maintenance Agreement Form shall be signed and executed indicating that property owners of the project site (APN: 069-011-021) is responsible for the maintenance of the landscape areas. The applicant shall submit a copy of said agreement for review prior to issuance of a building permit(s). The agreement shall be reviewed and accepted by the City Attorney prior to the issuance of a Certificate of Occupancy for the project".

Project Specific Condition 8 shall read: "Any existing overhead electrical/utility lines shall be placed underground with the development of this project. The applicant may sign a deferral agreement or a cash buyout option in the amount of \$26,625.00. The applicant shall sign the deferral agreement or pay the cash buyout prior to issuance of the certificate of occupancy for the project.

Planning Division Condition 3 shall read: "The applicant shall construct the 17,340 square foot commercial building for retail use, a double lane drive thru pharmacy, and 70 parking spaces. The building shall incorporate exterior materials and colors as approved by the Planning Commission. Any change to the colors or materials for the proposed building shall receive prior approval from the Community Development Director.

**MOTION:** Approve **Resolution No. 2009-20** with the amendments to Project Specific Conditions 7 and 8 and Planning Division Condition 3 as listed above.

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

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

8:32 p.m. – There being no further business, Mayor Cannella adjourned the meeting to the Joint City Council/Planning Commission Study Session to be held on February 26, 2009 at 6:00 p.m. in the City Council Chambers located at 2210 Magnolia Street.

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Anthony Cannella, Mayor

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Cindy Heidorn, CMC, City Clerk