

**CITY COUNCIL MEETING
MINUTES**

March 9, 2009

Mayor Cannella called the March 9, 2009, 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 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 February 9, 2009.

MOTION: Approve the Minutes of the Regular meeting of February 9, 2009.

MOVED: Moved by Lane/seconded by Durossette

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

CITIZEN COMMUNICATIONS

The following residents expressed concerns about a possible half-way house opening on Willetts Way and requested assistance from Council and Staff:

- John Staggs
- Alfred Suarez
- Judy Suarez
- Gary Lee Hall
- Janet Williamson

Len Shepherd, resident commented on an article which appeared in the Modesto Bee regarding the salaries of various City workers. Mr. Shepherd felt the article was biased and did not tell the entire story.

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**

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION – Vice Mayor Vierra declared a conflict with Item #7, his firm has done work for a sub-consultant listed with the applicant.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Building Department Monthly Report for February, 2009.
2. Register of Audited Demands for period covering February 20 – 25, 2009.

3. **Resolution No. 2009-21** approving the revised City of Ceres Residential Rehabilitation Program guidelines.
4. **Resolution No. 2009-22** approving an agreement with the Housing Authority of Stanislaus County for the administration of a Residential Rehab Program through the HOME Consortium and authorize the City Manager to execute all associated documents and authorize appropriate accounting journal entries.
5. **Resolution No. 2009-23** accepting the Temporary Pump Station at the Crows Landing Well as complete, approving the Balancing Contract Change Order, Authorizing the Filing of the Notice of Completion and Retention Release to the Contractor.
6. **Resolution No. 2009-24** establishing position classification description and compensation range for the position of Recreation Manager and eliminating the position of Recreation Director. **PULLED FOR FURTHER DISCUSSION**

MOTION: Approve Consent Calendar Items 1a - 5 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

6. **Resolution No. 2009-24** establishing position classification description and compensation range for the position of Recreation Manager and eliminating the position of Recreation Director.

After Council and Staff discussion it was decided that this item should be continued until further investigation could be made to determine if any other staff positions would be affected as a result of the reclassification and reorganization.

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

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed unanimously

UNFINISHED BUSINESS - None

PUBLIC HEARING – None

7:44 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

7:46 p.m. RECONVENE AS CITY COUNCIL

NEW BUSINESS

7. Council consideration of request for additional refund compensation for Stringer Development Co. for the Maple Glen Master Plan Project.

Kenneth Craig, Community Development Director, introduced the item explaining that Mr. Stringer has discontinued the processing of the Maple Glen Master Plan and requested a reimbursement of his remaining fund deposit. There is a discrepancy between the amount

of monies refunded by the City and the amount Mr. Stringer feels he is owed.

Mr. Scott Stringer, representing Stringer Development Co., address Council regarding the Maple Glen Project and his reasoning for the requested refund. Mr. Stringer distributed to Council a packet of additional information to back up his interpretation of the contracts and the events that transpired.

At the conclusion of Mr. Stringer's remarks, Council commented that they did not feel comfortable discussing the item without ample time to review the information in the additional information supplied by Mr. Stringer.

MOTION: Continue Item to Meeting of April 13, 2009.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: **Motion passed unanimously**

COUNCILMEMBER REFERRALS – None

REPORTS - None

CLOSED SESSION - Canceled

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
(2 potential cases)

8:34 p.m. There being no further business, Mayor Cannella adjourned the meeting the CC/CUSD Joint Meeting of the Elected Bodies to be held on March 10, 2009 at 7:00 p.m. in the City Council Chambers located at 2210 Magnolia St.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk

CITY COUNCIL STUDY SESSION MINUTES

March 9, 2009

Mayor Cannella called the Study Session to Order at 5:00 p.m. with the following in attendance:

ROLL CALL: Council Members Durossette, Lane, Ochoa, Vierra (arrived 5:07 p.m.), Mayor Cannella

1. ANIMAL CONTROL SHELTER ALTERNATIVES DISCUSSION

Art de Werk, Public Safety Director, addressed Council stating that as the City nears the deadline to commit to the County of Stanislaus for the provision of animal control services, it is important to understand the scope of services at issues, the alternatives and the costs. Staff has separated the services into three components: 1) animal services, 2) field services, and 3) canvassing services and reviewed the following options:

Option 1 – Continue with County-provided animal control services on a status quo basis. Estimated cost is \$346,867.

Option 2 – Continue with County-provided animal control services but negotiate what services the City wants and would contract with the county for services. Estimated Cost is \$250,563 - \$282,558.

Option 3 – Use certain, limited County-provided services, while assuming some of these functions utilizing City of Ceres staff and resources. Estimated Cost is \$287,918.

Option 4 – Use certain, limited county-provided services, and contract some of the functions out to another municipal agency.

Option 5 – Utilize a combination of private sector services in conjunction with City of Ceres staff and resources to provide the full scope of services currently provided by the County. Unable to estimate cost.

Option 6 – Continue with County-provided animal control services, but contract with the County for limited animal services on an as-needed basis, utilizing City personnel for other services.

Staff's recommendation is that the City continue to utilize the County's services regarding the shelter services, spay/neuter/education, selective field services options (responding to calls for service) and canvassing, while negotiating the costs for field services and canvassing.

Council and staff discussed the various options and the County's legal obligations to the cities regarding animal control services. Council does not want to contract services with the County and become a "customer" with no control.

COUNCIL RECOMMENDATION

Council preference is Option #3. Use County-provided shelter services but City staff to assume the patrol service and canvassing services. Staff asked Council permission to try negotiating with the County for the lowest level of patrol service possible i.e. call-out basis only. Council responded that Staff could try to negotiate for call-out patrol services. If the County says yes, the item is to be brought back to Council for further discussion. If the County does not agree to call-out only patrol service, staff is to move forward with plan to utilize City Staff to provide patrol services.

2. GOODS MOVEMENT STUDY

Fred Choa, representing Fehr & Peers, Transportation Consultants, discussed the Citywide Goods Movement Impact Study for the City of Ceres. The study focused on truck traffic on Mitchell Road, Hatch Road and Whitmore Avenue corridors. The study highlights have shown Mitchell Road serves 4,500 trucks on a daily basis and Hatch Road services 3,750 trucks. Approximately 1,500 trucks on each roadway are illegal "super trucks". Whitmore is a secondary truck route that services primarily local truck traffic with 1,450 trucks per day and 200 of the trucks being super trucks. The construction of regional improvements to SR 132 will not lower our truck traffic count. The construction of regional improvements to SR 132 East and Faith Home Road would provide some relief to roadways in Ceres; however these improvements are unlikely to be funded and/or constructed because of opposition to the alignment by land owners, lack of funding and the high costs involved.

Funding for intersection improvements as well as improved signal coordination and traffic monitoring systems should be pursued with StanCOG based on the amount of the regional goods movement traffic that currently uses Hatch Road and Mitchell Road.

Mayor Cannella expressed his frustration with StanCOG's lack of support. He stated that StanCOG is focusing on the North Corridor.

Council agreed that Mitchell and Hatch Roads are not regional truck facilities, they are for local trucks. If we start enforcing on those roads, truck traffic will be forced to travel their designated routes.

Council and staff discussed various actions we could take to try to minimize the truck traffic on Hatch and Mitchell Roads.

COUNCIL RECOMMENDATION

Send a letter to give local truckers advanced warning and move forward with the enforcement component. Explore the option of allowing the trucks through town during specified hours i.e. 11:00 p.m. – 4:00 a.m. Staff to develop a truck policy.

3. STATUS REPORT ON OVERTIME EXPENDITURES

Council Accepted Report.

4. FUTURE STUDY SESSIONS

Council Accepted Report

6:35 p.m. There being no further business, the Study Session was adjourned to the Ceres City Council Meeting to be held at 7:00 p.m. in the City Council Chambers located at 2210 Magnolia St.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk