

CITY COUNCIL MINUTES

March 23, 2009

Mayor Cannella called the March 23, 2009, Council Meeting to order at 7:00 p.m. with the following in attendance:

ROLL CALL: Council Members Durossette, Lane, Ochoa, Mayor Cannella

EXCUSED: Vice Mayor Vierra

INVOCATION by Mr. Mike Brinton

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Report by Ceres Youth Commission.

Luvleen Brar, representing the Ceres Youth Commission, reported on the recent activities and upcoming events including an upcoming Teen Roundtable event on April 22, 2009 in Oakdale and a clean up for the lower portion of the River Bluff Regional Park scheduled for April 25, 2009.

APPROVAL OF THE MINUTES of the regular meeting of March 9, 2009 and the Study Sessions of January 26, February 9, and March 9, 2009.

Mayor Cannella made a correction to the March 9, 2009 Study Session Minutes. Item No. 2 "Goods Movement Study" paragraph three should state "the north corridor".

MOTION: Approve the Minutes of the regular meeting of March 9, 2009 and the Study Sessions of January 26, February 9, and March 9, 2009 with correction.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice Mayor Vierra absent. (4/0)

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, commented on a previous Study Session item regarding possible amendments to the City's Sign Ordinance.
- Representatives of Communities Building Communities (CBC) spoke on behalf of Enrique Perez and stated that his leaving has been a huge loss for them.
- Lucille Bartoo, resident, spoke in opposition of the increase in the City's water and sewer rates.

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

MOTION: Approve the agenda as posted and certification of posting

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed with Vice Mayor Vierra absent. (4/0)

APPOINTMENTS TO BOARDS/COMMISSIONS – None

CONFLICT OF INTEREST DECLARATION - Mayor Cannella declared a conflict with Item No. 6 stating that since he had a conflict and abstained from the original agreement to purchase the park land in 2005, he would also abstain from taking action on this item.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Recreation Department Monthly Report for January, 2008.
 - b. Public Works Dept. Monthly Report for February, 2009.
2. Register of Audited Demands for period covering February 26 through March 6, 2009.
3. **Resolution No. 2009-24** approving the sale of the Whitmore House and Museum located at 2928 Fifth Street. **Pulled for further discussion.**
4. **Resolution No. 2009-25** awarding the bid for the purchase of a Wastewater Division Vector Hydro-Jet sewer line cleaning truck from Ricker Machinery Equipment Company.
5. Council authorization for the installation of a Time Capsule and Cornerstone at the Ceres Community Center.
6. **Resolution No. 2009-26** authorizing the completion of the purchase of real property 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-b and 2-6 as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice Mayor Vierra absent. (4/0)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. **Resolution No. 2009-24** approving the sale of the Whitmore House and Museum located at 2928 Fifth Street.

Len Shepherd, resident, requested the item be pulled and asked for clarification on the sale of the house from the City to the Redevelopment Agency.

MOTION: Approve Consent Calendar items 1a-b and 2-6 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Vice Mayor Vierra absent. (4/0)

6. **Resolution No. 2009-26** authorizing the completion of the purchase of real property for parkland purposes, approving a budget amendment to appropriate funds and authorizing acceptance of a deed to said property.

MOTION: Approve **Resolution No. 2009-26** authorizing the completion of the purchase of real property for parkland purposes, approving a budget amendment to appropriate funds and authorizing acceptance of a deed to said property.

MOVED: Moved by Ochoa/seconded by Durossette

VOTE: Motion passed with Vice Mayor Vierra absent and Mayor Cannella abstaining. (3/0/1)

UNFINISHED BUSINESS

7. **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 February 23, 2009.***

Ken Craig, Community Development Director, noted that this item was originally presented to Council on January 26, 2009. At that time, staff explained that they had initiated an RFP for the development of the 2009 Housing Element of the General Plan which is required by State Law. After reviewing the six proposals received and interviewing the four firms that most closely fit the requirements of the proposal, staff concluded that RBF Consulting was best suited to provide these services to the City.

At the January 26, 2009 meeting, Council discussed the urgency of the project and the current status of the City's Budget. They felt it would be prudent to continue this item for 30 days so they could better assess the City's Budget and make sure that the project is critical. This item was placed on the February 23, 2009 City Council Agenda at which time Council continued the item for an additional 30 days.

Council requested a detailed outline of the project including the staff personnel in charge of the project, the time allocated and the effect this would have on other projects. Council wishes to avoid a situation where the Consultant is doing more work than anticipated and requesting change orders for the project.

MOTION: Continue the item until April 13, 2009 to allow staff time to provide Council with the information requested.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice Mayor Vierra absent (4/0)

8. Establishing position classification description and compensation range for the position of Recreation Manager and eliminating the position of Recreation Director.

Brad Kilger, City Manager, requested that this item be removed from the agenda and referred to the City Council Budget Subcommittee for review and recommendation.

MOTION: Remove from agenda and refer to the City Council Budget Subcommittee for review and recommendation.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Vice Mayor Vierra absent (4/0)

PUBLIC HEARING

9. Closure of the CDBG FY 09-10 Annual Action Plan Public Review/Comment period and adoption of **Resolution No. 2009-27**, approving the Community Development Block Grant (CDBG) Annual Action Plan for Fiscal year 2009-2010.

Bryan Briggs, Redevelopment/Economic Development Manager introduced the item explaining that the City is a member of the Stanislaus County HUD Consortium, which enables the County and participating cities to access funds directly from the federal government rather than compete for funds through the State. The Consortium is nearing the beginning of a new fiscal year, and is updating the CDBG Annual Action Plan for FY 2009-10. The Annual Action Plan includes the proposed actions relative to the use of CDBG program and Emergency Shelter Grant funds. It is a requirement by HUD that the CDBG Annual Action Plan have a public review period and that a public hearing be held to receive public input. Council opened a public review period on February 9, 2009 which will end upon conclusion of the public hearing tonight. Staff will forward any public comments to the County Board of Supervisors.

7:30 p.m. Mayor Cannella opened the Public Hearing

7:31 p.m. There being no one wishing to speak, Mayor Cannella closed the Public Review period and the Public Hearing.

MOTION: Adopt **Resolution No. 2009-27** approving the Community Development Block Grant (CDBG) Annual Action Plan for Fiscal year 2009-2010.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed with Vice Mayor Vierra absent (4/0)

NEW BUSINESS

10. **Resolution No. 2009-28** approving the City Council 2009 Legislative Agenda.

Betina McCoy, Assistant to the City Manager/PIO, stated that the Legislative agenda, which was first implemented last year, enables Council and staff to react quickly to most legislative issues as they arise throughout the year. The agenda can also be provided to our State and Federal representatives so they are made aware of the issues that are important to Ceres. Ms McCoy presented the 2008 Legislative Summary and the proposed 2009 Legislative Agenda.

MOTION: Approve **Resolution No 2009-28** approving the 2009 Legislative Agenda.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice Mayor Vierra absent (4/0)

11. **Ordinance No. 2009-992** clarifying and eliminating the existing time limit on incurring debt and amending and extending certain time limitations with respect to the Redevelopment Plan for the Ceres Redevelopment project. **First Reading and Introduction**

Bryan Briggs, Redevelopment/Economic Development Manager explained to Council that the Ordinance basically takes care of three housekeeping items: 1) Corrects a clerical error with regard to the termination date of the Ceres Redevelopment Project. 2) Eliminates the effectiveness date to incur debt per SB211; and 3) Extends the effectiveness date of the Redevelopment Plan per SB 1045.

MOTION: Waive full reading and have **Ordinance No. 2007-992** read by title and number only.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Vice Mayor Vierra absent (4/0)

Cindy Heidorn, City Clerk, read Ordinance No. 2007-992 by title and number only.

MOTION: Approve **Ordinance No. 2008-992** clarifying and eliminating the existing time limit on incurring debt and amending and extending certain time limitations with respect to the Redevelopment Plan for the Ceres Redevelopment project.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice Mayor Vierra absent (4/0)

COUNCILMEMBER REFERRALS

Council requested a status report on the proposed half-way house on Willetts Way.

REPORTS

Council and staff reported on various activities including the Lion's Club remodel of the Carriage House currently underway a recent CYC lip-sync contest and the Whitmore House Master plan which is nearing completion. County Supervisor, Jim DeMartini, reported on the current economic status of the County.

7:56 p.m. **OPEN THE REDEVELOPMENT AGENCY MEETING**

7:58 p.m. **ADJOURN TO A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION**

CITY COUNCIL CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (3 potential cases)

Mike Lyons, City Attorney, advised orally in public session that two of the potential cases involved:

1. A dispute with the Miscellaneous Bargaining Unit regarding application of the City's layoff procedures.

2. A dispute with a member of the Mid-Manager Bargaining Group regarding the City's layoff procedures and the employee's claim of retaliatory action by the City.

PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION

Title: City Manager

Pursuant to Government Code Section 54957

10:45 p.m. Mayor Cannella reconvened the City Council Meeting with nothing to report.

10:45 p.m. There being no further business Mayor Cannella adjourned the meeting.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk