

CITY COUNCIL MINUTES

May 26, 2009

Mayor Cannella called the 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 Dionicio Vargas, Valley View Church of the Nazarene.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Presentation by Mr. Steve Ashman representing Court Appointed Special Advocates for Children (CASA) of Stanislaus County.

Mr. Steve Ashman, representing CASA gave a brief presentation to Council outlining his program and asking for Council support.

CITIZEN COMMUNICATIONS

- Martin Thorpe, representing Jim Thorpe Inc. addressed Council stating that he recently submitted a bid for removal of a fuel tank located at 2743 4th Street. Mr. Thorpe was not awarded the bid and he feels he should have been. Mr. Thorpe requested that this item be placed on a future agenda for discussion.

Council directed Mr. Lyons, City Attorney, to draft a report for the next Council meeting at which time Council will determine whether or not it warrants any further discussion.

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

MOTION: Approve the Agenda as posted and certification of posting.

MOVED: Moved by Vierra/seconded by Durossette

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

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION - None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Administrative Services Dept. Monthly Report for April, 2009.
 - b. Engineering Monthly Report for April, 2009.
 - c. Public Works Dept. monthly report for April, 2009.
2. Register of Audited Demands period covering May 1 – 13, 2009.

3. **Resolution No. 2009-44** declaring the City is experiencing a severe fiscal hardship due to the state's seizure of local property tax funds and continued adoption of unfunded mandates by the State of California. ***Pulled for further discussion.***
4. Set public hearing date of June 8, 2009 to consider a proposed Zoning Ordinance Text Amendment to modify the lot coverage requirement for single-family lots to include an additional allowance as applicable to patio covers and other accessory structures.
5. Council authorization to cancel the City Council Meeting of June 22, 2009 and call a Special Meeting for Monday, June 29, 2009. ***Pulled for further discussion.***

MOTION: Approve **Consent Calendar** Items 1a-c, 2 and 4 as recommended by staff.

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. 2009-44** declaring the City is experiencing a severe fiscal hardship due to the state's seizure of local property tax funds and continued adoption of unfunded mandates by the State of California.

Council asked staff if we knew how much property tax revenue the State was likely to be taking.

Staff responded that we do not know yet however the estimates for Ceres are approximately \$550,000. The League of California Cities is being very aggressive in trying to protect those funds and they are encouraging everyone to write their local legislators.

MOTION: Approve **Resolution No. 2009-44** declaring the City is experiencing a severe fiscal hardship due to the state's seizure of local property tax funds and continued adoption of unfunded mandates by the State of California.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

5. Council authorization to cancel the City Council Meeting of June 22, 2009 and call a Special Meeting for Monday, June 29, 2009.

Len Shepherd, resident, asked why the meeting was being rescheduled.

Staff responded that it was being postponed due to a potential lack of quorum and to allow staff adequate time to move the electronic equipment to the new City Council Chamber located in the Community Center.

MOTION: Cancel the City Council Meeting of June 22, 2009 and call a Special Meeting for Monday, June 29, 2009.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

UNFINISHED BUSINESS - None**PUBLIC HEARING** - None**NEW BUSINESS**

6. **Resolution No. 2009-45** approving Amendment #3 to the Agreement for Professional Consulting Services with Pacific Municipal Consultants (PMC) for a change in the scope of services for work previously performed and to be performed for the proposed Mitchell Ranch Center.

Tom Westbrook, Senior Planner, presented a brief overview to Council. During the development of the EIR, it was determined by staff and the applicant that additional meetings were needed in order to address issues that were arising in the development of the project EIR as well as to keep the project on the schedule desired by the applicant and Wal-Mart. The additional work was requested and agreed upon by staff and the applicant at a meeting in December 2008.

As a result of a separate investigation into the general condition and capacity of the City's sewer system, the City required the Mitchell Ranch project, through PMC, to perform a separate study to look at specific sewer capacity related issues of the project. In order to address applicant changes to the site plan, Fehr & Peers was requested to undertake additional analysis. Lastly, BAE, at the request of the applicant, will be updating the Economic Impacts and Urban Decay Analysis to reflect current economic conditions. All of these items were not in the original scope of services for PMC or their sub-consultants. The total cost of this additional work is \$45,100. There is no fiscal impact associated with this Scope of Services change and Contract Amendment. This is a 100% Applicant/Developer funded project. The applicant agrees with the cost and charges and will be paying fully for the services.

Council expressed their displeasure that again, some of the work had moved forward prior to their approval and reiterated to staff that they not let this happen again.

MOTION: Approve **Resolution No. 2009-45** approving Amendment #3 to the Agreement for Professional Consulting Services with Pacific Municipal Consultants (PMC) for a change in the scope of services for work previously performed and to be performed for the proposed Mitchell Ranch Center.

MOVED: Moved by Vierra/seconded by Durossette

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

7. **Resolution No. 2009-46** granting an exception to the undergrounding requirement to allow replacement of 200-AMP electrical service with a 400-AMP overhead electrical service and making the required findings.

Glenn Gebhardt, City Engineer, addressed Council stating that the owners of Valley Printing, located at 2140 Pine Street, applied for a building permit to replace an exiting 200-amp electrical service with a 400-amp electrical service using an overhead connection that currently exists. The Ceres Municipal Code states that "Any service whose rating is increased in size to 201-amps or greater shall be underground." However, the "Council may grant special permission, on such terms as the Council may deem appropriate in cases of unusual

circumstances without discrimination as to any person or utility to erect, construct, install, maintain, use or operate poles, overhead wires, and associated overhead structures.”

The unusual circumstances that exist in this case are as follows:

- This is an older industrial area. There are numerous overhead service lines in the vicinity and the undergrounding of one line will not materially improve the visual appearance of the area. It is also unlikely that other electrical services in the area will be upgraded.
- Undergrounding the service would disrupt the operations between the two buildings for several days.

Council agreed with the unusual circumstances that exist and felt no need for Valley Printing to go to the added expense and disruption to service the undergrounding would cause.

MOTION: Resolution No. 2009-46 granting an exception to the undergrounding requirement to allow replacement of 200-AMP electrical service with a 400-AMP overhead electrical service and making the required findings.

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

8. **Resolution No. 2009-47** approving an agreement with Ontel Security Services, Inc. to provide private security services for the American Legion Hall, Ceres Community Center, Ceres River Bluff Regional Park and Smyrna Park.

Doug Lemcke, Recreation Director, addressed Council regarding the request for proposal recently sent out for private security services for the American Legion Hall, Ceres Community Center, Ceres River Bluff Regional Park and Smyrna Park. The City currently uses a private security company to patrol the parks, however, staff felt that it would be more economical to combine the security services for the Legion Hall and Community Center with the park patrols. The security services for private events has historically been handled through the renters. Based on staff recommendation, the renters would choose and pay for the company of their choice. We have had issues in the past of not having enough security at the events or the security companies not being effective.

Consolidating the services with one security company selected by staff, will ensure that each event has sufficient security and the company will meet the required standards. The fees for event security will continue to be charged to the renters of the facilities so there will be no additional cost to the City.

Staff interviewed the top three rated companies; IC Security, Ontel Security and Rank Investigations and Protection. After completing the interviews, checking references and receiving input from the Public Safety Department, Ontel Security was selected as the best company to provide security service at the facilities and parks.

MOTION: Resolution No. 2009-47 approving an agreement with Ontel Security Services, Inc. to provide private security services for the American Legion Hall, Ceres Community Center, Ceres River Bluff Regional Park and Smyrna Park.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

9. **Resolution No. 2009-48** awarding a contract to Pacific Building Care for Custodial Services at the Ceres Community Center.

Phil Scott, Public Works Director, introduced the item. Mr. Scott stated that in January 2009 Council directed staff to pursue opening the Ceres Community Center with contracted custodial services in lieu of committing the utilization of permanent full-time City staff in order to provide a window of time to better assess the need for full-time staff. The rationale was to monitor the usage of the Community Center since the building may not be fully utilized or rented to its' capacity in its first year of operation. This also provided the opportunity to assess the quality of services provided by a contract service provider. After a period of monitoring, staff would recommend whether the contract custodial services provider met the needs of the Community Center in a quality fashion or if the City would be better served by dedicated full time staff.

The contract includes custodial services performed six days per week, Monday through Saturday, and a fully trained Day Porter – 4 hours per day, 5 days per week. The contract custodian will perform cleaning only and will not participate in setups for events. The Day Porter will perform a combination of cleaning and set up duties.

Requests for proposal were mailed to six local firms and posted at public buildings and on the City's website. Three local firms and one Fresno Firm responded. Pacific Building Care in Fresno was the lowest responsible bidder. Although Pacific Building Care is located in Fresno, they hire local workers to perform the custodial services thereby promoting local jobs.

MOTION: **Resolution No. 2009-48** awarding a contract to Pacific Building Care for Custodial Services at the Ceres Community Center.

MOVED: Moved by Vierra/seconded by Lane

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

10. Council approval of selection of a Bond Counsel and Disclosure Counsel firm related to proposed Water and Sewer Revenue Bonds.

Glenn Gebhardt, City Engineer addressed Council stating that by approving this item, Council will select the Bond and Disclosure Counsel firm for the Water and Sewer Revenue Bonds. Staff reviewed proposals from three firms; Jones Hall (San Francisco), Stradling Yocca Carlson & Rauth (Newport Beach) and Richards Watson Gershon (Los Angeles). All three firms are qualified to serve as the City's bond and disclosure counsel. Each has been involved in similar projects over the last few years and has a good reputation. Based on staff's review of the proposals and after discussion with our financial advisor, staff's recommendation is to engage the services of Jones Hall for both bond and disclosure counsel services. All fees will be contingent on any issuance of bonds and will be paid from the bond proceeds. If approved, staff will submit the contract for services at the June 8, 2009 City Council Meeting.

MOTION: Council approval of selection of a Bond Counsel and Disclosure Counsel firm related to proposed Water and Sewer Revenue Bonds.

MOVED: Moved by Durossette/seconded by Durossette

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

11. **Resolution No. 2009-49** authorizing the Director of Public Works to issue a request for Proposal for Consultant and Professional Services provider for the Citywide Water Meter Retro-fit Project.

Phil, Scott, Public Works Director introduced the time stating the City is required by law to install water meters on all service connections constructed on or after January 1, 1992 (Post 92) by January 1, 2010. By installing meters on all service connections Pre and Post 92 the City can realize a reduction of potentially 20 to 25% in water consumption. This equates to at least two, possibly three, new wells.

The rationale for the Request for Proposal (RFP) is to provide for professional consultant services to handle the different facets of this project. Such as manage the contracts with the materials suppliers and construction firm, provide for inspection services, develop and implement a public relations program, and provide for data integration. The RFP provides for an experienced Consultant and professional services provider that has performed all these functions before and can most efficiently and expediently replicate these services for the City of Ceres.

Mr. Scott further explained the importance of a good public relation program. Since the City currently does not bill customers based on meter readings and the physical installation of meters will affect all customers. It is important to have a good public relations program in place to explain the regulation requiring meters and benefits to the public; present the rationale for the Council's decision to install meters on all connections at once; contact customers and explain in detail when and how their meter will be installed; provide a way for customers to contact the City and receive immediate information on the meter installation program; and explain how the metered billing will work and how the new bill will look.

Council recognized the necessity of good public relations program. Dual billings need to go out as soon as possible so people can realistically see how their utility bills are going to be affected. Town hall meetings need to be held. Council also requested that Staff split out the public relations component on the RFP and have the firms bid on that separately. Council also directed staff to solicit a quote from the Lew Edwards Group and other firms for the public relations portion of the project. Add some time to the RFP schedule if necessary.

- Len Shepherd, resident, concurred with Council's comments that it is important to let the residents know as soon as possible about the retrofit program and how it will affect their utility bills.

MOTION: **Resolution No. 2009-49** authorizing the Director of Public Works to issue a request for Proposal for Consultant and Professional Services provider for the Citywide Water Meter Retro-fit Project.

MOVED: Moved by Lane/seconded by Durossette

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

8:13 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

8:17 p.m. RECONVENE AS CITY COUNCIL

COUNCILMEMBER REFERRALS

Based on Mr. Thorpe's comments under Citizen's Communication Council directed Mr. Lyons, City Attorney, to draft a report for the next Council meeting at which time Council will determine whether or not it warrants any further discussion

REPORTS

Council and staff reported on various recent activities including the Memorial Day Services held at Ceres Memorial Park.

8:19 p.m. There being no further business, Mayor Cannella adjourned the meeting. The next regularly scheduled Council Meeting will be June 8, 2009 at 7:00 p.m. in the City Council Chambers located at 2210 Magnolia Street.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk