

CITY COUNCIL MINUTES

June 8, 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, Vierra, Mayor Cannella

EXCUSED: Councilmember Ochoa

INVOCATION by Pastor Steve LaFarge, Grace Community Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Stanislaus County Library Annual Report for FY 2007/08, Vanessa Czopek, County Librarian.

Vanessa Czopek, Stanislaus County Librarian presented the Stanislaus County Library FY2007/08 Annual Report to Council. Council accepted the report.

APPROVAL OF THE MINUTES of the meeting of May 11th and Study Session of May 26, 2009.

MOTION: Approve the minutes of the Council Meeting May 11th and Study Session of May 26, 2009.

MOVED: Moved by Lane/seconded by Vierra

VOTE: **Motion passed with Councilmember Ochoa absent. (4/0)**

APPROVAL OF THE MINUTES of the March 23, 2009 Study Session. (Vierra Excused)

MOTION: Approve the minutes of the Council Study Session of March 23, 2009.

MOVED: Moved by Durossette /seconded by Lane

VOTE: **Motion passed with Vice Mayor Vierra abstaining and Councilmember Ochoa Absent. (3/0)**

APPROVAL OF THE MINUTES of the April 16, 2009 Study Session. (Lane Excused)

Mayor Cannella made the following correction to Item No. 3: TID SURFACE WATER PROJECT: Paragraph 2 – “Council expressed concern that TID is still charging the City interest and principal on the \$2 million owed for work performed but no longer valid in Items 1 and 2 above”.

MOTION: Approve the minutes of the Council Study Session of April 16, 2009 with the corrections.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: **Motion passed with Councilmember Lane abstaining and Councilmember Ochoa Absent. (3/0)**

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, spoke in support of the Stanislaus County Library.

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 Durossette

VOTE: **Motion passed with Councilmember Ochoa absent. (4/0)**

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION - None

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Street Sweeping Status Report. **Pulled for further discussion.**
2. Register of Audited Demands for period covering May 14 – 26, 2009.
3. **Resolution No. 2009-50** calling and giving notice of holding a General Municipal Election to be held on Tuesday, November 3, 2009, for the election of certain officers as required by provisions of the laws of the State of California relating to General Law Cities. **Pulled for further discussion.**
4. **Resolution No. 2009-51** declaring intention to reimburse expenditures from the proceeds of certain Water Revenue Bonds and Sewer Revenue Bonds. **Pulled for further discussion.**
5. **Resolution No. 2009-52** approving the Compressed Natural Gas Vehicle Lease Agreement between the City of Ceres and Storer Transit.
6. Ratify City Manager's Action Regarding Employment Status of Administrative Services Director.

MOTION: Approve Consent Calendar Items 2 and 5 as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

VOTE: **Motion passed with Councilmember Ochoa absent. (4/0)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

- 1 General Correspondence – **Information Only**
 - a. Street Sweeping Status Report. **Pulled for further discussion.**

Council asked staff about the terms of the contract.

Staff responded that the contract has an auto-renewal date of 9/17/09 however if the City wished to terminate the contract it could do so by giving a 90-day written notice to the vendor.

Council felt that it would be prudent for the City to solicit bids for the services to see if the City could secure better pricing.

MOTION: Give notice to Contract Sweeping Services and solicit proposals for Street Sweeping Services.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed with Councilmember Ochoa absent. (4/0)

3. **Resolution No. 2009-50** calling and giving notice of holding a general Municipal Election to be held on Tuesday, November 3, 2009, for the election of certain officers as required by provisions of the laws of the State of California relating to General Law Cities.

Len Shepherd, resident pulled the item and asked who was up for election.

Staff responded that the terms of Councilmember Lane and Vice Mayor Vierra will be expiring this year.

MOTION: **Resolution No. 2009-50** calling and giving notice of holding a general Municipal Election to be held on Tuesday, November 3, 2009, for the election of certain officers as required by provisions of the laws of the State of California relating to General Law Cities.

MOVED: Moved by Durossette/seconded by Vierra

VOTE: Motion passed with Councilmember Ochoa absent. (4/0)

4. **Resolution No. 2009-51** declaring intention to reimburse expenditures from the proceeds of certain Water Revenue Bonds and Sewer Revenue Bonds.

Mayor Cannella asked how much the reimbursement would be and if the work had been done.

Staff responded that it was always the intention that some of the facilities to be financed with revenue bonds would actually be started, or constructed prior to receipt of the bond proceeds and the costs would be reimbursed from bond proceeds. The total amount of the reimbursement would be approximately \$2 million. \$1.5 million for the Lagoon Cleaning, the remainder is for the SSMP Update and the sewer condition assessment.

MOTION: **Resolution No. 2009-51** declaring intention to reimburse expenditures from the proceeds of certain Water Revenue Bonds and Sewer Revenue Bonds.

MOVED: Moved by Vierra/seconded by Lane

VOTE: Motion passed with Councilmember Ochoa absent. (4/0)

6. Ratify City Manager's Action Regarding Employment Status of Administrative Services Director

Len Shepherd, resident, ask for details regarding this staff report.

Staff informed Mr. Shepherd that this was a personnel matter and not a budgetary action.

MOTION: Ratify City Manager's Action Regarding Employment Status of Administrative Services Director.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed with Councilmember Ochoa absent. (4/0)

UNFINISHED BUSINESS

7. **Resolution No. 2009-53** approving an agreement for Legal Services with Jones Hall for Bond Counsel and Disclosure Counsel Services in connection with Water Revenue Bonds, and Authorizing the City Manager to Execute the Agreement.

Glenn Gebhardt, City Engineer introduced the item state that at the May 26, 2009 City Council meeting, Council approved the selection of Jones Hall to provide bond counsel and disclosure counsel services in connection with anticipated water and sewer revenue bonds. As a follow up to that decision, Jones Hall has provided an agreement for legal services for this work. The scope and cost is consistent with the proposal reviewed by the City on May 26, 2009 and the agreement has been reviewed by the City Attorney. These costs were originally incorporated into the financing plan developed six months ago as part of the rate analysis for both water and sewer.

MOTION: **Resolution No. 2009-53** approving an agreement for Legal Services with Jones Hall for Bond Counsel and Disclosure Counsel Services in connection with Water Revenue Bonds, and Authorizing the City Manager to Execute the Agreement.

MOVED: Moved by Durossette/seconded by Vierra

VOTE: **Motion passed with Councilmember Ochoa absent. (4/0)**

8. **Resolution No. 2009-54** approving Amendment No. 2 to the Professional Services Contract with Water Solutions, Inc. to perform Professional Consulting Services relating to water quality, treatment, and water production.

Phil Scott, Public Works Director addressed Council stating New Water rates were passed January 26, 2009 and in that rate structure, funding for the Water Superintendent position was approved. The recruitment process is underway to hire a Water Superintendent but it may take up to four more weeks to bring an individual on board. In the meantime this amendment to the Professional Services Contract dated October 13, 2008 will provide the funds to continue needed Consultant support until the City can successfully fill the position of a Water Superintendent. It will further provide for an orientation period for the new employee to familiarize him/her to the conditions unique to the City of Ceres water distribution and treatment system. With the Consultant's continued support we will work to upgrade our Rockefeller well treatment system, improve our sampling and monitoring program, and begin work to replace the Paramount Well #19 and Smyrna Well #1.

MOTION: **Resolution No. 2009-54** approving Amendment No. 2 to the Professional Services Contract with Water Solutions, Inc. to perform Professional Consulting Services relating to water quality, treatment, and water production.

MOVED: Moved by Vierra/seconded by Lane

VOTE: **Motion passed with Councilmember Ochoa absent. (4/0)**

PUBLIC HEARING

9. Public Hearing to consider **Ordinance No. 2009-993** approving 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. **Introduction and First Reading**

Tom Westbrook, Senior Planner, addressed Council. Mr. Westbrook stated that in 2007, the City received a number of building permit applications associated with the construction of patio covers that had to be denied or revised because the maximum lot coverage requirement in the City's Zoning Ordinance limited what could be build. The number of applications had that had been denied occurred on lots where single-family homes were constructed with larger footprints. This was of particular significance in the Eastgate area where homes were initially built to the maximum allowed lot coverage leaving not additional coverage allowance for accessory structures. This led staff to evaluate the circumstances and make a presentation to the City Council at its November 15, 2007 study session to discuss the possible revision of the City's lot coverage requirements for single-family lots in residential zone districts. The City Council determined that a revision of the Zoning Ordinance was needed for lot coverage requirements as applicable to accessory structures and directed staff to initiate an ordinance amendment.

At its May 4, 2009 meeting the City Planning Commission considered three potential operations for taking action on a proposed ordinance amendment and with a 5/0 vote approved Option No. 2, which provides: The City could maintain the current lot coverage percentage per the residential zone district where is only applies to the single family dwelling footprint. When the dwelling footprint has reached the maximum percentage per the zone, an additional 10% would be permitted for the accessory structures. The allowance would be calculated by multiplying 10% by the size of the lot.

The decision rendered at the Planning Commission was based on the following:

1. It provides property owners with greater flexibility to design residential structures to meet their needs without negatively affecting neighboring properties.
2. It provides a considerable amount of open space on the property without increasing the allowed coverage for the residence.
3. It provides for easy calculations to be made for lot coverage allowance.

7:40 p.m. The Public Hearing was opened.

- Len Shepherd, resident, commented that the government should not be involved in how an individual uses his private property.

7:43 p.m. There being no one else wishing to speak, the Public Hearing was closed

MOTION: Waive full reading and have **Ordinance No. 2007-993** read by number and title only.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed with Councilmember Ochoa absent (4/0)

Cindy Heidorn, City Clerk, read **Ordinance No. 2007-993** by number and title only.

MOTION: Approve **Ordinance No. 2008-993** approving 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 for First Reading and Introduction.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed with Councilmember Ochoa absent (4/0)

NEW BUSINESS

10. **Resolution No. 2009-55** approving the Annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2009/10 and Notice of Intention and Setting a Public Hearing on June 29, 2009, to Levy an Assessment for CDRAB Activities and Projects.

Bryan Briggs, Economic Development/Redevelopment Manager, introduced the item, stating that the Ceres Downtown Revitalization Area Board (CDRAB) serves as an advisory body to the City Council regarding economic and revitalization issues of the Downtown area. Resolution No. 1989-18 requires that an Annual Report be prepared and presented to the City Council. After the Annual Report is presented and accepted by the City Council, a public hearing is held prior to City Council approval of the assessment for the next fiscal year. Under the Ceres Municipal Code, revenues generated by the assessment on businesses located in the Downtown Revitalization area are used to fund general maintenance, including Downtown street light electricity payments, landscape maintenance and year-round decorations.

At its June 1, 2009 meeting, the CDRAB Board considered the request from staff to recommend to the City Council that the Annual Plan with the recommended \$25,000 appropriation for businesses in the Downtown Revitalization Area be approved, with the condition that any marketing efforts for the downtown also include the Concerts in the Park and the Ceres Farmer's Market. Elements of a joint marketing plan will be developed and then returned to the CDRAB for discussion.

Council commented that next year, we need to have town hall meetings with the downtown business' to get their input since it is their money. We need to increase our efforts to get them involved.

Staff commented that the Planning Commission expressed the same concerns and would like to formalize the marketing plan and have it approved by the businesses.

MOTION: Approve **Resolution No. 2009-55** approving the Annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2009/10 and Notice of Intention and Setting a Public Hearing on June 29, 2009, to Levy an Assessment for CDRAB Activities and Projects.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed with Councilmember Ochoa absent (4/0)

7:50 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

8:03 p.m. RECONVENE AS CITY COUNCIL

COUNCILMEMBER REFERRALS

11. Report to Council regarding Jim Thorpe, Inc.

Since Mr. Thorpe was not present at the meeting, Council directed staff to continue the item to the meeting of June 29, 2009.

REPORTS

Council and staff reported on various recent activities including the recent event held by Councilmember Ochoa at the new Community Center.

8:09 p.m. – Mayor Cannella adjourned the Council Meeting to Closed Session.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

City Negotiator: Liebert, Cassidy, Whitmore

Employee Organization: Miscellaneous Bargaining Unit

Employee Organization: First Line Supervisors/Confidential Bargaining Group

Employee Organization: Mid-Management Employees

Employee Organization: Department Heads

Employee Organization: Ceres Department of Public Safety Firefighters Association

Employee Organization: Ceres Police Officers' Association

Pursuant to Gov't. Code Section 54957.6

8:35 p.m. Mayor Cannella convened in open session with nothing to report.

8:35 p.m. There being no further business, Mayor Cannella adjourned the meeting.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk