

CITY COUNCIL MINUTES

August 10, 2009

Mayor Cannella called the 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 Michael Brinton, Assistant City Engineer

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATION

A. Stevenson Grove Clean-Up Presentation – Ron Richter.

APPROVAL OF THE MINUTES of the regular meeting of July 13, 2009.

MOTION: Approve the minutes of the regular meeting of July 13, 2009.

MOVED: Moved by Lane/seconded by Vierra

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

CITIZEN COMMUNICATIONS

April Primo, resident, addressed Council about some difficulty she was having with her water bill and stated that she would like to see customer service improved.

Len Shepherd, resident, spoke in support of the Public Safety Department and also commented on the serenity of Stevenson Grove.

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

Mayor Cannella stated that both he and Vice Mayor Vierra have a conflict with Item 6, authorizing an agreement for the continuation of a School Resource Officer MOU with Ceres Unified School District. With the absence of Councilmember Ochoa, there are not sufficient members to vote on the matter. This item will be continued to the meeting of August 24th due to a lack of a voting quorum.

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

MOVED: Moved by Vierra/seconded by Durossette

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

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

1. **Resolution No. 2009-81** confirming Council concurrence with Mayor Cannella's recommendation to appoint Bryan Briggs to the Modesto City-County Airport Advisory Committee.

MOTION: **Resolution No. 2009-81** confirming Council concurrence with Mayor Cannella's recommendation to appoint Bryan Briggs to the Modesto City-County Airport Advisory Committee.

MOVED: Moved by Vierra/seconded by Lane

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

CONFLICT OF INTEREST DECLARATION

Mayor Cannella and Vice Mayor Vierra declared a conflict with Item No. 6 stating that there firms have done business with Ceres Unified School District in the last 12 months.

Mayor Cannella declared a conflict with Item No. 7 stating that his firm did work on that project.

CONSENT CALENDAR

2. General Correspondence – **Information Only**
 - a. Engineering Division monthly report for June and July, 2009.
 - b. Building Division monthly report for May and June, 2009.
3. Register of Audited Demands for period covering July 17 – July 28, 2009.
4. Set Public Hearing Date of August 24, 2009 to consider a proposal for a General Plan Amendment (GPA) 08-21, Mitchell Road Corridor Specific Plan Amendment (MRCSPA) 08-22 and an appeal of a Specific Plan Site Plan (SPSP) 08-24. The GPA and MRCSPA propose to re-designate a 4.82 +/- acre parcel from LDR, Low Density Residential to HC, Highway Commercial, while the SPSP proposes the development of 59,400 square feet of retail/office use on that parcel.
5. Set Public Hearing date of August 24, 2009 to consider a proposal to change general plan land use designation from Low Density Residential (LDR) to Office (O) and a rezoning to change the zoning designation from Single-Family Residential (R-1) to Administrative Professional (A-P) to allow an existing residence to be converted to an office building at 2334 6th Street.
6. **Resolution No. 2009-XXX** authorizing an agreement for the continuation of a School Resource Officer MOU with Ceres Unified School District to provide law enforcement services to the school. *Continued to 8/24/09 due to lack of a voting quorum.*
7. **Resolution No. 2009-82** accepting construction of the Public Improvements as complete for the Nguyen/Rothbard parcel Map and land division improvement agreement, authorizing filing a Notice of Completion and authorizing release of performance bond and the labor and materials bond. **Pulled for further discussion.**

MOTION: Approve Consent Calendar Items 2a-b, 3-5 as recommended by staff.

MOVED: Moved by Vierra/seconded by Durossette

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

7. **Resolution No. 2009-82** accepting construction of the Public Improvements as complete for the Nguyen/Rothbard parcel Map and land division improvement agreement, authorizing filing a Notice of Completion and authorizing release of performance bond and the labor and materials bond.

- Len Shepherd, resident, asked for an explanation of the staff report.

Staff responded that this item is for the In-Shape Center on Mitchell Road. The work has been completed for over a year. Initially, there were problems with the construction and the City required some improvements to be replaced. All past problems with the work have been resolved and no additional defects have been found in the one year following completion. It is reasonable to accept the work as complete and release the bonds at this time.

MOTION: Approve Consent Calendar Items 2a-b, 3-5 as recommended by staff.

MOVED: Moved by Vierra/seconded by Durossette

**VOTE: Motion passed with Mayor Cannella abstaining and Councilmember Ochoa absent.
(3/0/1)**

UNFINISHED BUSINESS - None

PUBLIC HEARING - None

NEW BUSINESS

8. **Resolution No. 2009-83** approving a Cost Sharing Agreement between with the City of Modesto for a Regional Wastewater System Feasibility Study and amending the FY 2009/10 Budget to appropriate funds.

Mayor Cannella introduced Ceres City Engineer, Glenn Gebhardt, Nick Phinney, City of Modesto, Director of Public Works, Pamela Creedon, Executive Officer for the Regional Water Quality Control Board and Brad Hawn, Modesto City Councilmember.

Modesto City Councilmember Hawn expressed his support of the project.

Representatives of the City of Ceres and the City of Modesto have been meeting to discuss the concept of developing a regional wastewater system that would serve both cities. This regional system would be broader than the current contractual arrangement between Ceres and Modesto, and could include providing full wastewater treatment services to both cities. Preliminary staff reviews by the representatives of both cities indicate that there are several advantages for regionalizing the wastewater system that make it worthy of such further analysis. Some of those advantages include:

- Regional wastewater systems meet the Regional Water Quality Control Board's goal and policy of promoting regionalization for increased efficiency and effectiveness.
- Regional systems are ranked higher in terms of eligibility for obtaining grant funding and loans.
- A regional wastewater system can result in greater efficiencies (cost savings) for treatment, operations, and maintenance.
- A regional system would make a greater volume of recycled water available for reuse and marketing.
- Regional wastewater systems have a more effective "voice" for addressing regulatory issues.

While the advantages are fairly easy to identify at the conceptual level, a greater degree of analysis is needed to make a decision whether or not to pursue a regional wastewater system partnership between the cities of Ceres and Modesto. Some of the outstanding issues that will need to be analyzed include, but are not limited to:

- Costs and potential rate impacts of regionalization.
- Available forms of governance for a regional wastewater system and the relative merits of each.
- Potential future regulatory issues and merits of regionalization versus the current system for addressing these issues.
- Conceptual planning level capital improvements needed to create a regional system and the order of magnitude of cost estimates.

Pamela Creedon Executive Officer for the Regional Water Quality Control Board presented an overview to Council on various types of regionalization methods and the benefits of wastewater regionalization.

After some Council discussion, the following motion was made:

MOTION: Approve **Resolution No. 2009-84** approving a Cost Sharing Agreement between with the City of Modesto for a Regional Wastewater System Feasibility Study and amending the FY 2009/10 Budget to appropriate funds

MOVED: Moved by Vierra/seconded by Lane

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

9. **Resolution No. 2009-85** and **Resolution No. 2009-86** authorizing the Director of Public Works to sign Funding Agreement and amendments for funding under the California Safe Drinking Water State Revolving Fund and the American Recovery and Reinvestment Act of 2009; certifications and reports, claims for reimbursement and Contractor's release forms; authorizing the Director of Development Services to execute budget and expenditure summary; certification of project completion, and approve Budget Amendments for the Rockefeller Treatment System Upgrade project and for the Paramount Well Replacement project respectively.

Phil Scott, Director of Public Works, presented a brief overview to Council stating that in February 2009, Congress passed the American Recovery and Reinvestment Act (ARRA) to provide economic stimulus to the American economy. A share of California's stimulus money will be distributed through the Safe Drinking Water State Revolving Fund by the California Department of Public Health. Agencies can receive grant monies, rather than loans for qualifying projects under \$500,000.00.

CDPH invited Ceres to submit an application for grant funding of a well replacement project and a wellhead treatment system upgrade project as a way of allowing us to participate in the economic stimulus. Pursuant to Council direction, staff filed an application with the State.

Staff has not yet received the actual Funding Agreements. The California Department of Public Health has stated that when the City receives the Funding Agreements we will have five days to have them executed and returned to Sacramento. Given the short time frame it would be necessary to call a special Council meeting to take action on the resolutions when the actual funding agreements arrive unless Council chooses to pre-approve the Resolutions at the regular meeting so they are ready to go when the contracts arrive.

Mayor Cannella asked if the \$690,000 the City may receive from these grants was included in the most recent rate fee increase.

Mr. Scott responded that these two wells were identified as CIP projects and were included in the current fee increase.

Mayor Cannella stated that if we do receive the grant money for these two projects, he would like to have a Study Session to see how this will affect the rates. Since the money is being received from a different source, we may be able to pass the savings on to the ratepayers.

MOTION: Approve **Resolution No. 2009-85** and **Resolution No. 2009-86** authorizing the Director of Public Works to sign Funding Agreement and amendments for funding under the California Safe Drinking Water State Revolving Fund and the American Recovery and Reinvestment Act of 2009; certifications and reports, claims for reimbursement and Contractor's release forms; authorizing the Director of Development Services to execute budget and expenditure summary; certification of project completion, and approve Budget Amendments for the Rockefeller Treatment System Upgrade project and for the Paramount Well Replacement project respectively.

MOVED: Moved by Vierra/seconded by Lane

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

COUNCILMEMBER REFERRALS – None.

REPORTS

Council and Staff reported on various community events including National Night Out. Supervisor DeMartini reported that the Board of Supervisors voted on August 4, 2009 unanimously approved the design and bid process for the Animal Shelter.

8:01 p.m. Mayor Cannella adjourned the meeting to Closed Session.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: Kenya Kwame Moseley v. City of Ceres, et al.

No. 1:08-CV-00909-OWW-GSA

Pursuant to Gov't. Code Section 54956.9(a)

8:16 p.m. Council reconvened with nothing to report.

8:16 p.m. There being no further business, Mayor Cannella adjourned the meeting.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk