

## CITY COUNCIL MINUTES

September 14, 2009

Mayor Cannella called the September 14, 2009, City Council Meeting to order at 7:00 p.m. with the following in attendance:

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

**EXCUSED:** Councilmembers Lane and Vierra

**INVOCATION** by Pastor Adrian Condit, Village Chapel Free Will Baptist Church.

**PLEDGE OF ALLEGIANCE** to the flag led by Mayor Cannella.

### PRESENTATIONS

A. Proclamation proclaiming September National Preparedness Month.

Mayor Cannella read the proclamation into the record.

**APPROVAL OF THE MINUTES** of the regular meeting of August 10, 2009. (Ochoa excused)  
*Continued to September 24, 2009 due to lack of a Voting Quorum.*

**APPROVAL OF THE MINUTES** of the Study Sessions of July 16, 2009. (Ochoa excused)  
*Continued to September 24, 2009 due to lack of a Voting Quorum.*

**APPROVAL OF THE MINUTES** of the Study Session of August 20, 2009.

**MOTION:** Approve the minutes of the Study Session of August 20, 2009.

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** Motion passed with Councilmembers Lane and Vierra absent. (3/0)

### CITIZEN COMMUNICATIONS

- Len Shepherd, resident, spoke in support of National Preparedness Month and stated that he felt that citizens should be prepared year round for any type of catastrophe.

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

**MOTION:** Approve agenda as posted and certification of posting.

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** Motion passed with Councilmembers Lane and Vierra absent. (3/0)

**APPOINTMENTS TO BOARDS/COMMISSIONS** – None.

**CONFLICT OF INTEREST DECLARATION** – Mayor Cannella declared a conflict with Item No. 8, stating that his firm has done work for the Contractor within the past 12 months.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Recreation Division monthly report for June & July, 2009
  - b. Building Department Monthly Report for August, 2009.
  - c. Information Technology Division Monthly Report for August, 2009.
2. Register of Audited Demands for period covering August 17-27, 2009.
3. **Resolution No. 2009-98** authorizing acceptance of the U.S. Department of Justice, Bureau of Justice Assistance 2009 *Edward Byrne Memorial Justice Assistance Grant (JAG)*.
4. **Resolution No. 2009-99** authorizing acceptance of a State of California, Office of Traffic Safety DUI Enforcement and Awareness Program Grant. **PULLED FOR FURTHER DISCUSSION.**
5. Waiver of second reading and adoption of **Ordinance No. 2009-994** approving a Rezone (RZ 09-07) for the property at 2334 6<sup>th</sup> St., changing its zoning designation from Single-Family Residential (R-1) to Administrative Professional (A-P).
6. Set the Public Hearing date of September 28, 2009, to consider an Ordinance amending Title 13 of the Ceres Municipal Code to add a new Chapter 13.14 to regulate the discharge of Fats, Oils and Grease. **PULLED FOR FURTHER DISCUSSION.**
7. **Resolution No. 2009-100** rejecting the claim for damages of Martin Thorpe (Jim Thorpe Oil Inc.).
8. **Resolution No. 2009-XXX** accepting the Hatch Road Overlay Phase II Project as complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor. **CONTINUED TO 9/28/09 DUE TO LACK OF A VOTING QUORUM.**
9. **Resolution 2009-102** which authorizes staff to submit an Out-of-Boundary Service Request to Stanislaus LAFCO on behalf of Stanislaus County for the extension of sewer and water services for a new animal shelter facility at the northeast corner of Crows Landing Road and Cornucopia Way.
10. **Resolution No. 2009-103** accepting the related job descriptions of the Public Works Superintendent, Utility Billing Supervisor and Senior Collection System Operator. Pulled for further Discussion
11. **Resolution No. 2009-104** approving a contract amendment for Management Partners, Inc. for interim budget and finance staffing services

MOTION: Approve Consent Calendar Items 1a – 1c, 2, 3, 5, 7, 9 and 11 as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

**VOTE: Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

**CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR**

4. **Resolution No. 2009-99** authorizing acceptance of a State of California, Office of Traffic Safety DUI Enforcement and Awareness Program Grant. **PULLED FOR FURTHER DISCUSSION.**

Councilmember Durossette inquired whether there was any funding available for printed material or other materials for High School drivers education students.

Chief de Werk responded that the funding for this particular grant is specific to the purchase of auto-citation systems and Lidar devices however, the Public Safety Department would be happy to come and share information with the students.

**MOTION:** Approve **Resolution No. 2009-99** authorizing acceptance of a State of California, Office of Traffic Safety DUI Enforcement and Awareness Program.

**MOVED:** Moved by Ochoa/seconded by Durossette

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

6. Set the Public Hearing date of September 28, 2009, to consider an Ordinance amending Title 13 of the Ceres Municipal Code to add a new Chapter 13.14 to regulate the discharge of Fats, Oils and Grease.

Len Shepherd, resident, had a few questions regarding this item. Mayor Cannella explained that this item is just to set a public hearing date of September 28, 2009, to discuss the Ordinance. At that meeting this item will be discussed in full.

Brad Kilger, City Manager invited Mr. Shepherd to meet with staff to discuss any questions he may have prior to the September 28<sup>th</sup> meeting.

**MOTION:** Approve the Public Hearing Date of September 28, 2009 to consider an Ordinance amending Title 13 of the Municipal Code to add a new Chapter 13.14 to regulate the discharge of Fats, Oils and Grease.

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

10. **Resolution No. 2009-103** accepting the related job descriptions of the Public Works Superintendent, Utility Billing Supervisor and Senior Collection System Operator

Councilmember Durossette asked if we would still be able to fund these positions if the State takes our transportation funds.

Staff responded that we would still be able to fund these positions.

Mayor Cannella stated that since these positions have established salary ranges, he directed staff to notify all applicants that we are going through labor negotiations and if there are concession made, these positions will be impacted.

**MOTION:** Approve **Resolution No. 2009-103** accepting the related job descriptions of the Public Works Superintendent, Utility Billing Supervisor and Senior Collection System Operator

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

## **UNFINISHED BUSINESS**

12. **Resolution No. 2009-105** approving an agreement with Lew Edwards Group for Consultant & Professional Services related to Public Relations for the City-wide Water Meter Retro-fit Project in the amount of \$32,500.00 including contingency; approving the appropriation of \$22,000 for public relations related project costs; and approving the attached Budget Amendment for a total of \$54,500.00 (P. Scott) **Continued from 08/24/09.**

Phil Scott, Director of Public Works addressed Council stating that at the August 24, 2009, Council Meeting staff presented a more comprehensive, year-long Public Relations proposal which engaged community partners and provided full services with no significant need for day to day management by the City. The revised proposal presented will address basic public relations needs and require more engagement by City staff in certain areas.

- The term of services has been reduced from 12 months to 5 months, with the maintenance of effort portion of the scope of services eliminated.
- Engagement of community partners such as the school district and key civic organizations has been eliminated from Consultant's scope of work;
- Door hangers will need to be distributed by City Staff or Water Installation Consultants;
- City, not consultant, will be responsible for producing informational materials (and Paying/budgeting for those materials separately), but Consultant will draft and design print-ready materials.

Ed Persike, resident, spoke in opposition of the water meter retrofit program stating that if this is a State Mandated program, then the State should fund all the costs to administer the program.

Len Shepherd, resident, spoke in opposition to the water meter retrofit program commenting that moving to water meters will probably not change the habits of the way people currently use water. He further stated that Council should table the item until we have more information on the effect this will have on apartment complexes and mobile home parks.

After some discussion by Council, the following motion made:

**MOTION:** Approve **Resolution No. 2009-105** approving an agreement with Lew Edwards Group for Consultant & Professional Services related to Public Relations for the City-wide Water Meter Retro-fit Project in the amount of \$32,500.00 including contingency; approving the appropriation of \$22,000 for public relations related project costs; and approving the attached Budget Amendment for a total of \$54,500.00

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

13. **Resolution No. 2009-106** approving an agreement for financial advisory services with Northcross, Hill & Ach, Inc. to coordinate consultants in preparation of Water Revenue Bonds and Sewer Revenue Bonds and authorizing the City Manager to execute the agreement. (G. Gebhardt) **Continued from 08/24/09.**

Glenn Gebhardt City Engineer introduced the item stating that this item was continued from the August 24, 2009 Council meeting to allow Council to ask questions of the consultant, Craig Hill of Northcross Hill & Ach, Inc. and to provide Council with additional information regarding the recommended scope of services. The scope of service has been refined and presented in greater detail. The proposed contract clarifies the intent and the preference to create a single bond issuance at a total cost of \$50,000. If the Council's preferred plan is to issue two separate but concurrent bond issuances, then the total cost would be \$56,695. If, for some reason, the City's preference is to issue two separately and independently processed bond issuances then the total cost would be \$85,000.

Craig Hill representing Northcross, Hill & Ach, Inc. addressed Council with a brief explanation of the various bond issuance options.

**MOTION:** Approve **Resolution No. 2009-106** approving an agreement for financial advisory services with Northcross, Hill & Ach, Inc. to coordinate consultants in preparation of Water Revenue Bonds and Sewer Revenue Bonds and authorizing the City Manager to execute the agreement. (G. Gebhardt) **Continued from 08/24/09**

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

## **PUBLIC HEARING**

14. Public Hearing to consider **Resolution No. 2009-107** recommending the Stanislaus County Board of Supervisors approve the FY 2008/09 Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Consolidated Annual Performance and Evaluation Report. (CAPER)

Bryan Briggs, Redevelopment/Economic Development Manager, presented the staff report to Council explaining that the Stanislaus County Consortium, consisting of the cities of Oakdale, Patterson, Newman, Ceres and Waterford and the County receive annual allocations of funds for CDBG and Emergency Shelter Grants ESG activities. A requirement of the program is for the administering jurisdiction in this case, Stanislaus County, to prepare a Consolidated Annual Performance and Evaluation Report (CAPER), make is available for a fifteen-day public review period, conduct a public hearing and submit the CAPER to the Department of Housing and Urban Development for Review. The CAPER outlines the projects that were undertaken by the Consortium members, as well as various public service agencies that were funded to assist additional persons and households. The City of Ceres was allocated a total of \$314,089 for FY2009-10. The City intends to spend approximately \$252,215 for infrastructure improvement on both sides of Fifth Street between North Street and Whitmore Avenue. The project will provide curbs gutters and sidewalks to an area that does not currently have that existing infrastructure.

Countywide the CAPER program has been very effective in providing programs and services for low-income persons in Stanislaus County. In Ceres the program has been used over the last few years to provide infrastructure improvements such as curbs, gutters and sidewalks in predominantly low-income census tracts.

7:58 p.m. Mayor Cannella opened the Public Hearing

7:58 p.m. There being no one wishing to speak, the Public Hearing was closed.

**MOTION:** Approve **Resolution No. 2009-107** recommending the Stanislaus County Board of Supervisors approve the FY 2008/09 Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Consolidated Annual Performance and Evaluation Report. (CAPER)

**MOVED:** Moved by Ochoa/seconded by Durossette

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

15. Public Hearing to consider Zoning Ordinance Text Amendment (ZOTA) 09-04; proposal to amend Municipal Code Section 18.42 Signs to allow on-site electronic changeable copy signs. The amendment will also allow service club signs to be developed on existing public right-of-ways in the City of Ceres. Dirk Wyatt/City of Ceres, applicants. **Continued from 07/13/09. Applicant requests continuance to 11/23/09.**

Glenn Gebhardt, City Engineer, stated that the applicant has requested a continuance of this item to the meeting of November 23, 2009.

7:59 p.m. Mayor Cannella opened the Public Hearing.

7:59 p.m. There being no one wishing to speak, the Public Hearing was closed.

**MOTION:** Continue to November 23, 2009 the Public Hearing to consider Zoning Ordinance Text Amendment (ZOTA) 09-04; proposal to amend Municipal Code Section 18.42 Signs to allow on-site electronic changeable copy signs. The amendment will also allow service club signs to be developed on existing public right-of-ways in the City of Ceres. Dirk Wyatt/City of Ceres, applicants.

**MOVED:** Moved by Durossette/seconded by Ochoa

**VOTE:** **Motion passed with Councilmembers Lane and Vierra absent. (3/0)**

**NEW BUSINESS** - None

**COUNCILMEMBER REFERRALS** - None

### **REPORTS**

Councilmember Ochoa commented that it is nice to see City facilities such as the River Bluff Regional Park, Community Center and Whitmore Mansion being utilized.

8:04 p.m. There being no further business, Mayor Cannella adjourned the meeting.

---

Anthony Cannella, Mayor

---

Cindy Heidorn, CMC  
City Clerk