

CITY COUNCIL MINUTES

September 28, 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, Lane, Ochoa, Vierra, Mayor Cannella

INVOCATION by Pastor Dionicio Ceres Valley View Church of the Nazarene.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Proclamation Declaring the Week of October 4 – 10, 2009 as Fire Prevention Week in the City of Ceres.

Mayor Cannella read the proclamation into the record. Captain Rich Scola accepted the proclamation and thanked Council for their support. Emergency Services will be visiting Ceres schools to help raise awareness of the importance of fire prevention.

B. Proclamation Declaring October 3 – 15, 2009 as Binational Health Week in the City of Ceres.

Mayor Cannella read the proclamation into the record. Yamilet Valladolid accepted the Proclamation on behalf of El Concilio and thanked Council for their continued support.

APPROVAL OF THE MINUTES of the regular meeting of August 10, 2009 (Ochoa excused) and the Study Session of July 16, 2009. (Ochoa excused)

MOTION: Approve the minutes of the regular meeting of August 10, 2009 and the Study Session of July 16, 2009.

MOVED: Moved by Durossette/seconded by Lane

VOTE: **Motion passed with Councilmember Ochoa abstaining. (4/0/1)**

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, commented that every week should be fire prevention week.
- Dee Osgood and Shirley Gowan, representing the Ceres Senior Club request financial support from City Council for their monthly rent payments at the Tuolumne River Lodge. Ms. Osgood stated that the Community Center was inadequate for their needs and the club is struggling to meet their monthly rental.

Mayor Cannella directed staff to agendize a discussion for a future study session.

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 Vierra

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

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict with Item No. 4 stating that his firm has done business with the contractor in the past 12 months.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Dept. Monthly Report for August, 2009.
 - b. Recreation Division Monthly Report for August, 2009.
 - c. Engineering Dept. Monthly Report for August, 2009.
2. Register of Audited Demands for period covering August 31–September 17, 2009.
3. **Resolution No. 2009-108** approving Amendment No. 2 to the Agreement for Professional Consultant Services with George Osner. **Pulled for Further Discussion.**
4. **Resolution No. 2009-109** 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. **Pulled due to Conflict of Interest.**

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

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. **Resolution No. 2009-108** approving Amendment No. 2 to the Agreement for Professional Consultant Services with George Osner.

Len Shepherd, resident, pulled the item and asked Council what type of services Mr. Osner provides the City and what is the cost of his contract.

Staff responded that Mr. Osner provides project management for large projects such as Mitchell Ranch and West Ceres Specific Plan. He is completely funded through developer funds at no cost to the City.

MOTION: Approve **Resolution No. 2009-108** approving Amendment No. 2 to the Agreement for Professional Consultant Services with George Osner.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

4. Resolution No. 2009-109 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.

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

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Mayor Cannella abstaining. (4/0/1)

UNFINISHED BUSINESS - None

PUBLIC HEARING

5. Public Hearing to Consider **Ordinance No. 2009-995** amending Chapter 13 of the Ceres Municipal Code to add a new Chapter 13.14 regulating the disposal of Fats, Oils and Grease. **First Reading and Introduction.**

Phil Scott, Public Works Director, introduced the item stating that at the August 20, 2009 Council Study Session, staff presented to Council the proposed Fats, Oils, and Grease (FOG) ordinance change needed to meet the requirements of the General Waste Discharge Requirement adopted by the State Water Resource Control Board. Staff also presented the details and plans necessary to implement a FOG program. Though the ordinance change is needed now to comply, implementation of a FOG program would not be scheduled to begin until Fiscal Year 2010/2011.

The City is required to certify with the State that Ceres has a Council approved Sewer System Management Plan (SSMP) that prescribes effective management of a wastewater collection system as defined in the General Waste Discharge Requirement. The City has been working on components of the SSMP for more than two years. One major component of the SSMP is the Fats, Oils and Grease program. Within this program, the City must have the legal authority to enforce the program which requires a significant change to our existing FOG ordinance.

The goal of a FOG program is to increase the current FOG source control effort for commercial and residential sewer customers. The amount of grease being discharged into the City's collection system and number of SSO's needs to be reduced to achieve compliance with the State Water Resource Control Board Waste Discharge Requirements.

The approval of a FOG ordinance is needed at this time to meet the State's requirements for completing and having on file an approved SSMP in place per the prescribed timeline. The SSMP requires the City to have the legal authority in place at this time to implement the FOG program though actual implementation will not begin until fiscal year 2010-2011.

Vice Mayor Vierra asked staff how this ordinance would impact long-standing local businesses.

Mr. Scott responded one option the City can take is the cause of a conditional waiver which will allow the business to remain as it is and exercise "best management practices."

Vice Mayor Vierra responded that he does not want anyone to be forced to go out of business because it is too costly to comply.

7:25 p.m. Mayor Cannella opened the Public Hearing

Len Shepherd, resident, stated that he felt we should not pass an ordinance until we had a fee schedule in place.

Staff responded that the exact method of enforcing the ordinance has not yet been determined. There are various options to consider however, it is important to establish that we have procedures put in place to meet the State requirements. If we do not, we can be subject to State fines that could run into the tens of thousands.

Mr. Shepherd also asked how many spills we have per year.

Mr. Ken Holmes, Holmes International, stated that the City has 9 to 14 spills per year which is higher than the average and of those spills 75% are Fats, Oils and Grease.

7:34 p.m. There being no one else wishing to speak, the Public Hearing was closed.

MOTION: Waive full reading and have **Ordinance No. 2007-995** read by number and title only.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

Cindy Heidorn, City Clerk, read **Ordinance No. 2007-995** by number and title only.

MOTION: Approve **Ordinance No. 2009-995** amending Chapter 13 of the Ceres Municipal Code to add a new Chapter 13.14 regulating the disposal of Fats, Oils and Grease.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

NEW BUSINESS

6. Approve Selection of Underwriting Firm Related to Proposed Water and Sewer Revenue Bonds.

Glenn Gebhardt, City Engineer, introduced the item stating that as part of the capital and staffing plans addressed through the rate studies that were completed, the City anticipated the need to issue water and sewer revenue bonds in order to fund the identified improvements. City staff worked with its financial advisor, Northcross, Hill & Ach to develop a request for proposals and selection process for the engagement of underwriting services related to any issuance of revenue bonds.

Proposals were received from three firms. All three firms are qualified to service as the City's underwriter. Each has been involved in similar projects over the last few years and has a good reputation according to the City's financial advisor.

Based on staff's review of the proposals and after discussion with out financial advisor and bond counsel, staff's recommendation is to engage the services of Stone & Youngberg LLC as underwriter. They operate the largest municipal finance trading and underwriting operation on the West Coast. All fees will be contingent on any issuance of bonds and will be paid from the bond proceeds.

MOTION: Approve selection of Underwriting Firm related to proposed Water and Sewer Revenue Bonds.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

COUNCILMEMBER REFERRALS - None

REPORTS - None.

7:42 p.m. There being no further business, Mayor Cannella adjourned the meeting.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk