

CITY COUNCIL MINUTES

October 12, 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 a representative of First Southern Baptist Church

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

a. VFW presentation to the City of Ceres.

Ben Tapia Jr. Commander, VFW Post 10293 presented Council with a street sign and plaque in honor of their receiving the "2009 outstanding Post" award. The Ceres Post 10293 was 1 of only 69 posts in the United States and 1 out of only 2 in the State of California to receive this award.

APPROVAL OF THE MINUTES of the regular City Council Meetings of August 24, 2009 and September 28, 2009.

MOTION: Approve the minutes of the regular meeting of the regular City Council Meetings of August 24, 2009 and September 28, 2009.

MOVED: Moved by Lane/seconded by Vierra

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

APPROVE THE MINUTES OF the September 14, 2009 Council Meeting. (Councilmembers Vierra and Lane Excused)

MOTION: Approve the minutes of the September 14, 2009 Council Meeting. (Councilmembers Vierra and Lane Excused)

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: **Motion passed with Councilmembers Lane and Vierra abstaining. (3/0/2)**

CITIZEN COMMUNICATIONS

Len Shepherd, resident stated that he was happy to see the VFW receive such a prestigious award. Mr. Shepherd also mention the Ceres Youth Commission and commented that now that the school year has begun, he is looking forward to their reports to the Council.

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 Lane

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

APPOINTMENTS TO BOARDS/COMMISSIONS – None

CONFLICT OF INTEREST DECLARATION - None

CONSENT CALENDAR

1. Register of Audited Demands for period covering September 21 – October 1, 2009.
2. Waiver of Second Reading and adoption of **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. **PULLED FOR FURTHER DISCUSSION.**
3. **Resolution No. 2009-110** authorizing acceptance of U.S. Department of Energy *Energy Efficiency and Conservation Block Grant*

MOTION: Approve Consent Calendar Items 1 and 3 as recommended by staff.

MOVED: Moved by Vierra/seconded by Durossette

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

2. Waiver of Second Reading and adoption of **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.

Len Shepherd, resident, requested the item be pulled so he could comment to Council about his recent meeting with Phil Scott, Public Works Director, regarding the changes to the Ordinance. Mr. Scott was very helpful and addressed all Mr. Shepherd's concerns.

MOTION: Waive Second Reading and adopt **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 Durossette/seconded by Vierra

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

UNFINISHED BUSINESS – None.

PUBLIC HEARING – None.

NEW BUSINESS

4. **Resolution No. 2009-111** awarding the design of ARRA of 2009 (American Recovery and Reinvestment Act) Asphalt Overlay Project at various locations to Mid-Valley Engineering, Approving a Budget Amendment and Authorizing the City Manager to execute a contract.

Glenn Gebhardt, Interim Development Services Director/City Engineer, introduced the item stating that this project involves designing the overlay for several sections of roadway. The work includes designing pavement for a successful overlay on a functionally restored street.

Design proposals for the project were received on October 2, 2009 from seven firms. Although all seven firms are considered qualified to prepare construction plans for an overlay project, an understanding of the Economic Stimulus American Recovery and Reinvestment Act (ARRA) funding and the specific requirements that funding mandates for the bid documents is also important. The Mid Valley Engineering Inc. proposal recognized this funding source, and confirmed that MVE will ensure that the documents comply with the requirements of obtaining ARRA funding.

The time-line to design this project is critical. Construction funds need to be obligated no later than December 15, 2009, which means we must have 90% design completed and delivered to Caltrans for their approval no later than December 1, 2009. Design costs will be reimbursed up to \$50,000 for design with a reimbursement rate up to 100%.

Rob Christensen, representing Mid Valley Engineering, thanked Council for the opportunity to bid on the project and stated that they are looking forward to moving ahead with the project.

MOTION: Approve **Resolution No. 2009-111** awarding the design of ARRA of 2009 (American Recovery and Reinvestment Act) Asphalt Overlay Project at various locations to Mid-Valley Engineering, Approving a Budget Amendment and Authorizing the City Manager to execute a contract

MOVED: Moved by Vierra/seconded by Ochoa

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

5. **Resolution No. 2009-112** approving Amendment No. 2 to the Water Services Agreement with Turlock Irrigation District to expand the Almond Power Generation Facility.

Mayor Cannella declared a conflict with this item and removed himself from the dais.

Phil Scott, Public Works Director, introduced the staff report stating that the City entered into a Water Services agreement with the Turlock Irrigation District (TID) in 1992. The agreement allowed TID to pump treated wastewater from the City's plant to the TID Almond Power Generation Plant. During this process there was a net reduction of 50% to 60% in the amount of the water pumped from the City's plant that was returned as rejected water. This was a benefit to the City as well as a free water source to TID.

In 2000 City staff approached TID with an alternate plan for supplying their source water. Rather than pumping water directly from the City's treatment process, the plan was to drill a well adjacent to the treatment plant percolation ponds, within the TID easement.

The impact is that Almond Power Plant 2 well increase their extraction by 10% and they also will increase their return wastewater by 4%. The increase in pumping will increase the percolation rate on the City's ponds by 20% thereby providing the City with a net gain of 16% more percolation in the ponds influenced by the TID extraction well.

The Second Amendment to the Water Services Agreement will be necessary to address the changes in the volume of water extracted and returned but also necessary for TID to demonstrate to the Public Utilities Commission that TID has accounted for the handling of reject water from the plant process. This component is necessary to address in order to obtain proper permits for the expansion project.

After some Council discussion the following motion was made:

MOTION: Approve **Resolution No. 2009-112** approving Amendment No. 2 to the Water Services Agreement with Turlock Irrigation District to expand the Almond Power Generation Facility

MOVED: Moved by Lane/seconded by Durossette

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

6. **Resolution No. 2009-113** awarding the Street and Parking Lot Sweeping Project to Contract Sweeping Services and authorizing the City Manager to Execute said Agreement.

Phil Scott, Public Works Director addressed Council stating that at the June 8, 2009 City Council Meeting, in an effort to secure more advantageous pricing, Council directed staff to issue an Invitation to Bidders for the Street and Parking Lot Sweeping Services.

Invitations to bid were mailed to six firms and posted at public buildings and the City's website. Two local firms responded and one Southern California firm responded with bids. Contract Sweeping Services was determined to be the lowest responsible bidder at \$13.40 per curb mile. This agreement represents approximately a 10% reduction of the previous agreement for an approximate savings of \$10,470 per year.

Rick Richardson, representing ABC Sweeping, addressed Council regarding the contract presented in the staff report. Mr. Richardson commented that the mileage stated in the 2009 contract is the same mileage stated in the 2007 contract however, the City has added additional curb miles. The map that was used in the contract is outdate and no longer accurate. The 2009 contract included a stipulation that the equipment being used can be no more than five years old. Mr. Richardson asked for confirmation that the equipment used by Contract Sweeping Services meets the criteria.

In response to Mr. Richardson's concerns Staff responded the following:

1. Approximately 14 miles have been added between 2007 and 2009. They mileage was represented as an approximate in the bid.
2. The map did not fit well on the page and part of it was cut off. Map issues were addressed by Mr. Mike Brinton at the pre-bid conference. This map is not the map that the City is going to provide the successful bidder for the sweeping program, it was simply included as an illustration.
3. The issue with regard to the age of the equipment was added pursuant to the PM10 Air Board requirements for cleaner fuel emissions.

Mr. Richardson further expressed concern that Contract Street Sweeping is only using one truck per day in town while he always used two trucks per day and does not feel they can do an adequate job with one truck per day.

Len Shepherd, resident, asked staff if Contract Sweeping Services is currently doing an adequate job.

Staff responded that they felt they were doing an adequate job. Staff currently received approximately one complaint per month and Contract Sweeping Services has resolved the complaints within 24 hours of receiving the complaint.

Ken Groves, resident, comment that we should use local vendors whenever possible.

Contract Sweeping Services was not present at the meeting to address any questions.

After further Council discussion regarding the quality of service and the age of the equipment being used, Council decided to continue the item to the next meeting and requested staff provide the following information:

1. Confirm the number of miles. If we go with the low bidder, he needs to send us a letter stating that his bid is based on the actual number of miles.

2. Put an accurate map with the agreement and provide a street listing.
3. Confirm the age of the equipment – make sure everyone is playing on an equal playing field and using the same equipment.
4. Calculation based on the number of miles we have to sweep and the amount of time it would take based on 7 mph so we can determine whether or not it is possible to adequately sweep the City with only one truck in service.

MOTION: Continue this item to the City Council Meeting of October 26, 2009.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

COUNCILMEMBER REFERRALS – None.

REPORTS – None

8:06 p.m. There being no further business, Mayor Cannella adjourned the Council Meeting.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk

ADJOURNMENT to the City Council Study Session scheduled for October 15, 2009 at 5:30 p.m. in the City Council Chambers located at 2701 Fourth Street.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 2720 Second Street, Ceres, CA during normal business hours. In addition, a complete agenda packet is available for review at the Public Library or on the City's website at www.ci.ceres.ca.us

CERTIFICATION OF POSTING

I, Cindy Heidorn, CMC, City Clerk, City of Ceres, do hereby certify that I personally posted the City Council Agenda of 7:00 p.m. Monday October 12, 2009, at 1:00 p.m. on Tuesday, October 6, 2009, at the following sites in Ceres:

1. On the front door of City Hall, 2720 Second Street.
2. In the display case located at 2210 Magnolia Street.
3. Ceres Branch Library located at 2250 Magnolia Street.
4. Ceres Community Center, 2701 Fourth Street.

Date: October 6, 2009

Cindy Heidorn, CMC, City Clerk
City of Ceres