

CITY COUNCIL MINUTES

October 26, 2009

Mayor Cannella called the meeting to order at 7:00 p.m. with the following in attendance:

ROLL CALL: Council Members Lane, Ochoa, Vierra, Mayor Cannella

EXCUSED: Councilmember Durossette

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

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Proclamation declaring November 4, 2009 as Law Enforcement Records and Support Personnel Day.

Deputy Chief Borges accepted the proclamation on behalf of the Records and Support personnel.

B. Report by Ceres Youth Commission.

Christian Ochoa representing the Ceres Youth Commission reported on their recent and upcoming activities including the upcoming Halloween Festival, Thanksgiving food drive and the annual Christmas Festival.

CITIZEN COMMUNICATIONS

Len Shepherd, resident, spoke in support of the 911 operators.

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 Ochoa

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION - None

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Dept. Monthly Report for September, 2009.
 - b. IT Division Monthly Report for September, 2009.
2. Register of Audited Demands for period covering October 2 – 9, 2009.

3. Set Public Hearing date of November 9, 2009 to consider an appeal from Kevin Oxford regarding the Planning Commission denial of a variance request pertaining to an existing privacy wall at 3207 Blaker Road. **Pulled for further discussion.**
4. **Resolution No. 2009-113** approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain actions in connection therewith. **Pulled for further discussion.**
5. **Resolution No. 2009-114** authorizing acceptance of the U.S. Department of Justice, Bureau of Justice Assistance *2009 Recovery Act Edward Byrne Memorial Competitive Grant Program Award*.

MOTION: Approve Consent Calendar items 1a, 1b, 2 and 5 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. Set Public Hearing date of November 9, 2009 to consider an appeal from Kevin Oxford regarding the Planning Commission denial of a variance request pertaining to an existing privacy wall at 3207 Blaker Road.

Len Shepherd, resident, pulled the item to confirm that this was just setting the date for the public hearing.

Staff confirmed that is was only to set the Public Hearing date for November 9, 2009.

MOTION: Set Public Hearing date of November 9, 2009 to consider an appeal from Kevin Oxford regarding the Planning Commission denial of a variance request pertaining to an existing privacy wall at 3207 Blaker Road.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

4. **Resolution No. 2009-113** approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain actions in connection therewith. **Pulled for further discussion.**

Len Shepherd, resident, asked for clarification on the item.

Staff explained that the suspension of Proposition 1A will result in the State's borrowing of approximately \$541,932 of the City's property tax revenue which the State will be required to repay by June 30, 2013, with interest at a rate of 2%. Participation in the Securitization Program will immediately restore this revenue and help the City deal with it on-going General Fund deficit.

MOTION: Set Public Hearing date of November 9, 2009 to consider an appeal from Kevin

Oxford regarding the Planning Commission denial of a variance request pertaining to an existing privacy wall at 3207 Blaker Road.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

UNFINISHED BUSINESS

6. **Resolution No. 2009-XXX** awarding the Street and Parking Lot Sweeping Project to Contract Sweeping Services and authorizing the City Manager to Execute said Agreement. **Request to Continue to November 9, 2009.**

Phil Scott, Public Works Director, stated that the vendor has requested that this item be continued to the next Council meeting to allow more time to meet with staff.

MOTION: Continue **Resolution No. 2009-XXX** awarding the Street and Parking Lot Sweeping Project to Contract Sweeping Services and authorizing the City Manager to Execute said Agreement.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

PUBLIC HEARING – None

NEW BUSINESS

7. **Resolution No. 2009-115** approving an agreement with Conco West, Inc. for the Well 19R, Construction of one Water Well and Well Pump Station Project and authorizing the City Manager to execute said agreement.

Phil Scott, Public Works Director presented the staff report stating that the City received a Funding Agreement from the California Department of Public Health (CDPH) for Well 19r Construction of One Well and Well Pump Station project. The agreement requires the City to follow all ARRA guidelines for contracting, reporting, approving claims for reimbursement, executing the budget and signing of the project completions. Staff issued an invitation to bidders for the project to a host of local and regional well drilling contractors and general contractors. We received three qualified bids. After careful review by the Public Works Department and Engineering staff and approval from CDPH, Conco West Inc., was determined to be the lowest responsive, responsible bidder.

Conco West submitted a bid for \$453,405.00 to construct one new well and construct one well pump station at the Eastgate Blvd. site.

Mayor Cannella stated that now that two Capital Projects which were originally identified in the rate study and part of the rate increase have been funded through stimulus money, he would like to discuss, at the December Study Session, the possibility of lowering the rates so the savings can be extended to the rate payers.

MOTION: Approve **Resolution No. 2009-115** approving an agreement with Conco West, Inc.

for the Well 19R, Construction of one Water Well and Well Pump Station Project and authorizing the City Manager to execute said agreement

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

8. Accept Report from Financing Team regarding Water & Sewer Revenue Bond Issuance Process and Market Status and direct staff to return to City Council with final Bond Documents.

Glenn Gebhardt, Interim Development Services Director/City Engineer, gave a brief introduction.

Members of the Bond Finance Team including Craig Hill, Northcross, Hill and Ach, Andy Hall, Jones Hall and Jim Cervantes, Stone and Youngberg, updated Council on the water and sewer capital program and bond financing program. The update included water and sewer revenue bonds, financial markets summary, legal proceeding and next steps.

MOTION: Accept report from Financing Team regarding Water and Sewer Revenue Bond Issuance Process and Market Status and direct staff to return to City Council with final Bond Documents.

MOVED: Moved by Ochoa/seconded by Lane

VOTE: Motion passed with Councilmember Durossette absent. (4/0/1)

COUNCILMEMBER REFERRALS – None

REPORTS

Council and Staff reported on various City activities including the upcoming Halloween Festival on October 31st at the Community Center and the Tuolumne Coalition canoe trip on November 6th.

8:10 p.m. There being no further business, Mayor Cannella adjourned the meeting to the meeting of the Ceres Redevelopment Agency.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk