

CITY COUNCIL MINUTES

March 8, 2010

Mayor Cannella called the March 8, 2010 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 Adrian Condit, Village Chapel Free Will Baptist Church

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Stanislaus County Library Annual Report for FY 2008/09–Vanessa Czopek, County Librarian.

Ms. Czopek, County Librarian presented the annual report of the Stanislaus County Library and thanked Council and the community for their continued support.

Ms. Taylor, Ceres Branch Manager spoke about several new programs available at the library.

APPROVAL OF THE MINUTES of the regular meetings of January 25, February 8, and the Study Session of January 25, 2010.

MOTION: Approve minutes of the regular meeting of January 25, February 8 and the Study Session of January 25, 2010.

MOVED: Moved by Lane/seconded by Durossette

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

APPROVAL OF THE MINUTES of the Study Session of February 18, 2010. (Vice Mayor Lane excused)

MOTION: Approve minutes of the Study Session of February 18, 2010.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: **Motion passed with Vice Mayor Lane abstaining (4/0/1)**

CITIZEN COMMUNICATIONS

- Richard Marshall, resident, addressed Council about his concerns with traffic at the corner of 5th and Caswell. There is no crosswalk or stop sign. It is a main path for school children. It has become a dangerous situation. *Council directed staff to check into the situation.*
- Len Shepherd, resident, stated that he feels that Ceres has the best Fire Department in Stanislaus County.

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

Staff requested that a new item be added to the agenda as item 5A. “**Resolution No. 2010-22** approving the Project Plan for Proposition 1B – Alley, Local, Streets & Road Improvements Account Funds and amending the FY 2009/10 Budget to appropriate funds” The item came to the attention of staff after the posting of the regular agenda and there is a need to take action immediately as the funds are awarded on a first-come first-served basis, and staff feels it is necessary to take action on the Resolution as soon as possible and not wait until the next Council meeting.

MOTION: Add a new item, 5A to the agenda as recommended by staff with the findings that there is a need to take immediate action and that need arose after the posting of the regular agenda.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed unanimously (5/0)

MOTION: Approve the Agenda as amended with the addition of Item 5A.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed unanimously (5/0)

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION

CONSENT CALENDAR

1. Register of Audited Demands for period covering February 12 – 22, 2010.
2. Set Public Hearing for March 22, 2010, for the adoption of a solid waste rate increase for community clean-up events and disposal of street sweeping debris, and to establish recycling rates for large recycling bins, and cleaning rates for large bins. **PULLED FOR FURTHER DISCUSSION.**
3. **Resolution No. 2010-19** amendment the FY2009/10 City of Ceres General Fund Budget and reducing the Appropriations Budget in the amount of \$302,611. **PULLED FOR FURTHER DISCUSSION**
4. **Resolution No. 2010-20** adopting the State of California HCD HOME Short Sale Policy and authorizing the City Manager to execute all documents associated with property sales under this program and authorizing the Finance Director to make all necessary journal entries. **PULLED FOR FURTHER DISCUSSION**
5. **Approve Resolution No. 2010-21** supporting a grant application with the Turlock Groundwater Basin Association (TGBA) for federal funding for a basin-wide monitoring program and authorizing submittal of a letter of support.
- 5A. **Resolution No. 2010-22** approving the Project Plan for Proposition 1B – Alley, Local, Streets & Road Improvements Account Funds and amending the FY 2009/10 Budget to appropriate funds.

MOTION: Approve Consent Calendar Items 1, 5 and 5A 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. Set Public Hearing for March 22, 2010, for the adoption of a solid waste rate increase for community clean up events and disposal of street sweeping debris, and to establish recycling rates for large recycling bins, and cleaning rates for large bins.

Len Shepherd asked a few questions regarding the new solid waste rates with respect to street sweeping debris.

Council reminded Mr. Shepherd that this item was just to set the date for the Public Hearing and he would be able to ask those questions at the next Council meeting. Council also directed staff to provide Mr. Shepherd with a copy of the staff report as soon as it is available.

3. **Resolution No. 2010-19** amendment to the FY2009/10 City of Ceres General Fund Budget and reducing the Appropriations Budget in the amount of \$302,611.

Council asked for clarification on the following statement in the staff report: "Additionally, Staff is recommending adding \$80,359 from the General Fund reserve to the Recreation budget to offset the overages resulting from termination pay in that department."

Sheila Cumberland, Finance Director, responded that the funds were allocated for the termination pay of an individual in the Recreation Department. No budget adjustments were made at that time. As a result, the Recreation budget is experiencing overages. This is a one-time adjustment.

With all of the recommended appropriations reductions, the General Fund Reserve Balance at June 30, 2010 is still estimated to be 25% of expenditures as the Council Policy Requires.

MOTION: Approve **Resolution No. 2010-19** as recommended by staff.

MOVED: Moved by Vierra/seconded by Lane

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

4. **Resolution No. 2010-20** adopting the State of California HCD HOME Short Sale Policy and authorizing the City Manager to execute all documents associated with property sales under this program and authorizing the Finance Director to make all necessary journal entries.

Council asked for additional clarification on this item.

Bryan Briggs, Redevelopment and Economic Development Manager, stated that the HOME program is the largest Federal block grant program to allocate federal funds to State and local governments that are designed exclusively to create affordable housing for low-income households. The City of Ceres is both a direct HOME State Recipient and Federal HOME Consortium Member. As such, the City of Ceres Redevelopment Agency must comply with requirements for both the State HCD HOME program and Federal HOME program guidelines.

The City of Ceres Redevelopment Agency administers HOME Funding Programs for first-time homebuyer and rehabilitation programs to low and very-low income eligible applicants. If we do not adopt the State's HOME policy, and the home goes into foreclosure, the resale restriction drops off the title and the City is not entitled to recover the note that is outstanding. Secondly, the State will still want their money, so we will have to back-fill the note in the amount that is owed. If we adopt the HOME Short Sale Policy, we will not be responsible for repayment of the loss of income to the HOME program if the home is foreclosed upon.

MOTION: Approve **Resolution No. 2010-20** as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

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

UNFINISHED BUSINESS - None

PUBLIC HEARING – None

NEW BUSINESS

Mayor Cannella recused himself from the dais.

6. **Resolution No. 2010-23** awarding the construction contract for the Service Road Sanitary Sewer Connections Project to Teichert Construction in the amount of \$146,200.00 and amending the FY2009/10 Budget to appropriate funds.

Glenn Gebhardt, City Engineer/Interim Development Services Director, presented the Staff report to Council. Mr. Gebhardt stated that the project involves the construction of a new connection between the existing 21” main sewer and the 36” dry sewer, both in Service Road, from Central Avenue west to the Wastewater Treatment Plant. The project will reduce the potential of sewer system overflows in the collection lines upstream of Central Avenue. The work is expected to be completed by the end of April, 2010.

MOTION: Approve **Resolution No. 2010-23** as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

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

Mayor Cannella returned to the dais.

COUNCILMEMBER REFERRALS

Council commented on the amount of traffic congestion the overpass construction was causing on Whitmore and asked staff if signage could be posted on Whitmore directing cars down Fourth Street to access the freeway. *Staff responded that they would talk to Caltrans about getting signs posted.*

REPORTS - None

7:45 p.m. Mayor Cannella adjourned the meeting to Closed Session.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Workers Comp Case: Millie Fisher vs. City of Ceres

Claim No.: FR070620

Pursuant to Gov't Code Section 54956.9(a)

CONFERENCE WITH LABOR NEGOTIATOR

City Negotiator: Liebert, Cassidy, Whitmore

Employee Organization: Miscellaneous Bargaining Unit

Employee Organization: First Line Supervisors/Confidential Bargaining Group

Employee Organization: Mid-Management Employees

Employee Organization: Department Heads

Employee Organization: Ceres Department of Public Safety Firefighters Association

Employee Organization: Ceres Police Officers' Association

Pursuant to Gov't. Code Section 54957.6

8:30 p.m. Mayor Cannella reconvened the meeting in open session with nothing to report.

8:30 p.m. There being no further business, Mayor Cannella adjourned the meeting.

Anthony Cannella, Mayor

Cindy Heidorn, CMC
City Clerk