

# CITY COUNCIL MINUTES

**March 22, 2010**

Mayor Cannella called the March 22, 2010 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 Joe Holloway, Ceres Valley View Church of the Nazarene

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

## **PRESENTATIONS**

- A. Proclamation Declaring April 26 – 30, 2010 as Mosquito and Vector Control and West Nile Virus Awareness Week.
- B. Report by Ceres Youth Commission.

Christian Ochoa, CYC President, gave an update on recent and upcoming events for the Youth Commission including their Art for the Elderly project and the upcoming River Bluff Regional Park Clean-up event and Team Palooza

**APPROVAL OF THE MINUTES** of the regular meeting of February 22, 2010.

**MOTION:** Approve the minutes of the regular meeting of February 22, 2010.

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

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

## **CITIZEN COMMUNICATIONS**

Len Shepherd, resident, spoke on the importance of weed abatement in the Spring and Summer months.

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

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

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

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

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

## **CONFLICT OF INTEREST DECLARATION**

Councilmember Vierra declared a conflict with Item No. 4 - his firm is working on the project. Mayor Cannella declared a conflict with Item No. 4 – his firm has done work with Acme Construction within the last 12 months; Mr. Mastagni is the owner and Item No. 6 - his firm has done work with George Reed, Inc. within the last 12 months.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Public Works Monthly Report for February 2010.
  - b. Graffiti Removal Services Contract Update.
  - c. Blaker Well and Treatment Facilities Update.
2. Register of Audited Demands for period covering February 26 - March 15, 2010.
3. Open the public review period of the FY 2010/11 CDBG Annual Action Plan, and set a public hearing date of April 26, 2010 to close the public review period and consider adoption.
4. **Resolution No. 2010-24** approving a Lot Line Adjustment for Mastagni Properties, LP for the property located at the northeast corner of Mitchell Road and Fowler Road. **PULLED - CONFLICT OF INTEREST.**
5. **Resolution No. 2010-25** amending the FY 2009/10 City of Ceres Capital Improvement Program and amending the FY 2009/10 Budget to appropriate funds for the Hatch Road Bike Path, Phase III Project, Federal Project CML-5241 (032). **PULLED FOR FURTHER DISCUSSION.**
6. **Resolution No. 2010-26** awarding the construction Contract for the CDBG Fifth Street and Ninth Street Rehabilitation Project to George Reed in the amount of \$412,069.50, approving a 10% contingency, and authorizing the City Manager to execute the contract. **PULLED - CONFLICT OF INTEREST.**

MOTION: Approve Consent Calendar Items 1a-c, 2 and 3 as recommended by staff

MOVED: Moved by Vierra/seconded by Lane

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

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

4. **Resolution No. 2010-24** approving a Lot Line Adjustment for Mastagni Properties, LP for the property located at the northeast corner of Mitchell Road and Fowler Road.

MOTION: Approve **Resolution No. 2010-24** approving a Lot Line Adjustment for Mastagni Properties, LP for the property located at the northeast corner of Mitchell Road and Fowler Road

MOVED: Moved by Vierra/seconded by Lane

VOTE: **Motion passed With Mayor Cannella and Councilmember Vierra abstaining (3/0/2)**

5. **Resolution No. 2010-25** amending the FY 2009/10 City of Ceres Capital Improvement Program and amending the FY 2009/10 Budget to appropriate funds for the Hatch Road Bike Path, Phase III Project, Federal Project CML-5241 (032).

Glenn Gebhardt, Interim Development Services Director/City Engineer, stated that there has been an amendment to the Resolution. The Funding Source has been changed from Fund 273 – Local Transportation Fund to Fund 251 – Street Expansion Fund to allow for more flexibility in the use of those funds.

Mr. Gebhardt stated that the RFP for the project is currently out for bid. The contract will be awarded at the staff level since it is under \$50,000.

Council requested a report on the project so they can see the proposals, who was chosen and the range of the bid amounts.

**MOTION:** Approve **Resolution No. 2010-25** as recommended by staff.

**MOVED:** Moved by Vierra/seconded by Lane

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

6. **Resolution No. 2010-26** awarding the construction Contract for the CDBG Fifth Street and Ninth Street Rehabilitation Project to George Reed, Inc. in the amount of \$412,069.50, approving a 10% contingency, and authorizing the City Manager to execute the contract.

Vice Mayor Lane asked if the intersection at 5<sup>th</sup> and Caswell was included in the Rehabilitation Project. A large number of children cross the street there every morning and it is a dangerous intersection.

Bryan Briggs, Economic Development/Redevelopment Manager, confirmed that we have plans to include that area as part of the 2010/11 CDBG Annual Action Plan which will be approved in April. The project should be completed by late-November, 2010.

**MOTION:** **Resolution No. 2010-26** as recommended by staff.

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

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

**UNFINISHED BUSINESS** – None.

## **PUBLIC HEARING**

7. Public Hearing - **Resolution No. 2010-27** approving 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.

Kay Dunkel, Administrative Analyst, introduced the staff report to Council. Ms. Dunkel stated that on February 22, 2010 staff met with the City Council and presented information on a new solid waste agreement and potential program and rate changes. Staff is now requesting that the Council hold a public hearing for the review and adoption of the revised solid waste rates which includes increasing solid waste rates to cover the cost of community clean-up debris and street sweeping debris and establishing rates for large recycling bins and garbage bin cleaning. If approved, the new rates will become effective on July 1, 2010.

7:20 p.m. Mayor Cannella opened the Public Hearing.

7:20 p.m. There being no one wishing to speak the Public Hearing was closed.

**MOTION:** **Resolution No. 2010-27** as recommended by staff.

**MOVED:** Moved by Durossette/Seconded by Lane

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

## **NEW BUSINESS**

8. **Resolution No. 2010-28** approving an agreement with Bertolotti Ceres Disposal for the Collection of Municipal Solid Waste within the City of Ceres.

Kay Dunkel, Administrative Analyst, introduced the staff report to Council. Ms. Dunkel stated that Bertolotti Ceres Disposal has been providing solid waste collection services in Ceres since June of 1971. Bertolotti Ceres has worked closely with the City in the development and implementation of special solid waste collection programs throughout the City.

At the February 22, 2010 Study Session, staff presented information on a new solid waste agreement with Bertolotti Ceres Disposal. The new agreement provides for an eight year term commencing on July 1, 2010 with a provision for annual extensions.

The main revisions to the new agreement include: term; fee adjustments for changes in fuel costs; financial disclosure; a penalty clause; insurance; large venue recycling and future programs.

Len Shepherd, resident, expressed concerns that Bertolotti has the franchise on garbage service in Ceres and asked why the City has not gone out to bid for the service.

Staff responded that they have done analysis with service providers in neighboring cities and Bertolotti's rates are very competitive and they provide excellent service.

**MOTION: Resolution No. 2010-28** as recommended by staff.

**MOVED:** Moved by Vierra/Seconded by Durossette

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

9. **Resolution No. 2010-29** approving an agreement with InfoSend Inc., to provide an Electronic Bill Presentment and Payment website for City of Ceres and **Resolution No. 2010-30** approving a credit card merchant agreement and an ACH (checking account auto-pay) agreement between the City of Ceres and Electronic Payment Exchange (EXP) to process online payments for the City of Ceres.

Farren Williams, IT Manager presented the staff report to Council. Mr. Williams explained that the primary reason for recommending implementation of an electronic presentment and payment (EBPP) website is to improve customer service in the Utilities Division at minimum cost. The EBPP website will provide citizens with a cost effective convenient alternative method of payment available 24/7.

The InfoSend's solution was selected based on cost, the City's successful prior relationship with the vendor, InfoSend's successful relationship with Eden, and references from other agencies. In addition to the InfoSend solution, staff is also recommending Electronic Payment Exchange (EPX) to process the online payments. EPX is the merchant gateway partner used by InfoSend to process online credit card payments.

Council expressed concerns regarding merchant transaction fees and possible hidden fees that we are not aware of.

Mr. Williams responded that a comparison of transaction fees was done between various solution providers and EXP was the most cost effective. The average fee per transaction including credit card and gateway is \$1.10.

Council also asked for assurance that staff is confident that this system will work well with our current software and implementation will be virtually seamless.

Staff responded that they were confident this system would interact well with our current software.

Should Council approve the system tonight, there is a 13 or 16 weeks to implement, which would give the City a "go-live" date of approximately July 5, 2010.

**MOTION: Resolution No. 2010-29** as recommended by staff.

**MOVED:** Moved by Vierra/Seconded by Ochoa

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

**MOTION: Resolution No. 2010-30** as recommended by staff.

**MOVED:** Moved by Vierra/Seconded by Ochoa

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

10. **Resolution 2010-31** proposal to amend the Professional Services Contract with Wood Rodgers, a developer funded project, to perform Professional Planning Services by adjusting Scope of Work to include additional services relating to the development of the Ceres West Specific Plan.

Tom Westbrook, Interim City Planner, presented the staff report to Council. Mr. Westbrook stated in December, 2007, the City Council authorized the City Manager to enter into an agreement with Wood Rodgers to perform Professional Services for the Ceres West Specific Plan. The Specific Plan is sponsored by a core group of property owners within the study area, a City of Ceres Processing Agreement was completed and a deposit account established. All costs associated with the project are the responsibility of these property owners, and authorized representative of the sponsors are in agreement with the necessity of the Budget Amendment. To date four (4) addendums have been processed.

Addendum 5 is requested so that Wood Rodgers can continue to be involved in weekly coordination meetings by phone conference that have been part of this project since October of 2008. Additionally, revisions needed to finalize the engineering components of the master plan and these revisions are based on a change in direction that was recently provided to the consultant by staff during the review of the Draft Specific Plan and Draft EIR.

Staff is also requesting that the City Council re-authorize the "Additional Services" component of the Wood Rodgers contract which allows for staff approval of additional services which results in a change in compensation of 5% or less of the Contract Sum.. By having the 5% provision, it would expedite completion of any additional work and not delay the project

While Council was in favor of approval of Addendum No. 5, they were not in favor of reinstating the "Additional Services" component of the contract. Instead, Council felt it was more appropriate to set the staff approval authorization at \$10,000.00 and felt this was sufficient to not delay the project.

**MOTION: Resolution 2010-31** proposal to amend the Professional Services Contract with Wood Rodgers, a developer funded project, to perform Professional Planning Services by adjusting Scope of Work to include additional services relating to the development of the Ceres West Specific Plan and reinstate the "Additional Services" component to authorize staff to approve additional services not to exceed \$10,000.00.

**MOVED:** Moved by Vierra/Seconded by Ochoa

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

**COUNCILMEMBER REFERRALS - None**

**REPORTS**

Council reported on various city events and activities including the upcoming opening day of Ceres Youth Baseball on March 27, 2010 and Councilmember Vierra's upcoming trip to Washington DC with the SJVAPCB.

Mr. Gebhardt reported that as discussed at the last meeting, signs have been ordered and Caltrans will be posting signage on Whitmore directing traffic down Fourth Street for additional freeway access.

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Anthony Cannella, Mayor

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Cindy Heidorn, CMC  
City Clerk