

## CITY COUNCIL MINUTES

April 26, 2010

Mayor Cannella called the April 26, 2010 Council Meeting to order 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. Report by Ceres Youth Commission.

Christian Ochoa, President, Ceres Youth Commission, gave an overview of recent and upcoming activities including a recent visit to the Davis Guest Home, an upcoming clean up project at River Bluff Regional Park and Teen Palooza Regional Conference.

**APPROVAL OF THE MINUTES** of the regular meetings of March 8 and 22, 2010.

**MOTION:** Approve the minutes of the regular meetings of March 8 and 22, 2010.

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

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

**CITIZEN COMMUNICATIONS** – None.

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

Mayor Cannella stated that Item #14 was being removed from the Agenda at Staff's Request.

**MOTION:** Approve the Agenda as amended and Certification of Posting

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

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

### APPOINTMENTS TO BOARDS/COMMISSIONS

A. **Resolution No. 2010-32** confirming Mayor Cannella's recommendation to appoint Councilmember Bret Durossette as an Alternate to the Stanislaus County Disaster Council.

**MOTION:** Approve **Resolution No. 2010-32** confirming Mayor Cannella's recommendation to appoint Councilmember Bret Durossette as an Alternate to the Stanislaus County Disaster Council

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

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

### CONFLICT OF INTEREST DECLARATION

Mayor Cannella declared a conflict with Items 7, 8, 9, 12 and 15 stating that his firm had done work with the various companies within the past 12 months.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. IT Division Monthly Report for March, 2010.
  - b. Public Works Monthly Report for March 2010.
  - c. Recreation Monthly Report for January and February, 2010.
  - d. Recreation Year-to-Date Fiscal Status Report.
  - e. 3<sup>rd</sup> Quarter Budget Report of FY2009/10 Revenue, Expenditures & Overtime.
2. Register of Audited Demands for period covering March 18 – April 9, 2010.
3. **Resolution No. 2010-33** declaring April 11-17, 2010 National Library Week in Stanislaus County.
4. **Resolution No. 2010-34** rejecting the claim of Eladio Ramirez through his attorney, David Renteria.
5. **Resolution No. 2010-35** rejecting the claim of Edward Campbell through his attorney, Marcell Neri of Muro & Lampe, Inc.
6. **Resolution No. 2010-36** ordering that delinquent special assessments be removed from the tax roll and forwarded to Special Counsel for foreclosure action.
7. **Resolution No. 2010-37** awarding the ARRA of 2009 Overlay/Reconstruction Project to George Reed, Inc. and approving an amendment to the FY2009/10 Budget to appropriate funds. **PULLED DUE TO CONFLICT OF INTEREST**
8. **Resolution No. 2010-38** rejecting all bids for the Ceres ATMS/CCTV Camera Upgrade Project and directing staff to re-bid the project. **PULLED DUE TO CONFLICT OF INTEREST**
9. **Resolution No. 2020-39** approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, and Turlock, Stanislaus County and Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership. **PULLED DUE TO CONFLICT OF INTEREST**
10. **Resolution No. 2010-40** approving and accepting of Temporary Construction Easement and Access Easement for Wal-Mart Real Estate Business Trust for construction and maintenance of a public pedestrian and bicycle path and authorizing recordation with the Stanislaus County Clerk.
11. **Resolution No. 2010-41** amending Sections 1.16(b) and 5.2(b) of the City of Ceres Personnel Rules to allow the hiring of reserve and/or Intern Personnel for positions of Police Officer, Dispatcher and Fire Fighter without requiring an open competitive examination. **PULLED FOR FURTHER DISCUSSION**
12. **Resolution No. 2010-42** ratifying an emergency expenditure amending the Construction Contract for the Service Road Sanitary Sewer Connections Project to include the emergency replacement of a sanitary sewer manhole, and approving a budget amendment to fund the increased cost. **PULLED DUE TO CONFLICT OF INTEREST**

**MOTION:** Approve Consent Calendar Items 1a-e, 2-6 and 10 as recommended by Staff.

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

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

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

7. **Resolution No. 2010-37** awarding the ARRA of 2009 Overlay/Reconstruction Project to George Reed, Inc. and approving an amendment to the FY2009/10 Budget to appropriate funds.
8. **Resolution No. 2010-38** rejecting all bids for the Ceres ATMS/CCTV Camera Upgrade Project and directing staff to re-bid the project.
9. **Resolution No. 2020-39** approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, and Turlock, Stanislaus County and Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership.
12. **Resolution No. 2010-42** ratifying an emergency expenditure amending the Construction Contract for the Service Road Sanitary Sewer Connections Project to include the emergency replacement of a sanitary sewer manhole, and approving a budget amendment to fund the increased cost.

MOTION: Approve Consent Calendar Items 7, 8, 9 and 12 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

**VOTE: Motion passed with Mayor Cannella abstaining and Councilmember Durossette absent (3/0/1)**

11. **Resolution No. 2010-41** amending Sections 1.16(b) and 5.2(b) of the City of Ceres Personnel Rules to allow the hiring of Reserve and/or Intern Personnel for positions of Police Officer, Dispatcher and Fire Fighter without requiring an open competitive examination.

Councilmember Ochoa asked for further clarification on the report.

Staff responded that the purpose for the request is to enable the Public Safety Department to select from within their own pool of trained personnel, with whom they have established a working relationship. The personnel have already demonstrated their ability to function within the classifications and now can be considered for appointment to a full-time regular position with a minimal amount of additional testing or costs. If there are no qualified Reserve and/or Intern Personnel, the City will proceed with an open recruitment.

MOTION: Approve **Resolution No 2010-41** as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

**UNFINISHED BUSINESS** – None.

**PUBLIC HEARING**

13. Closing the CDBG FY2010/11 Annual Action Plan Public Review/Comment Period and adoption of **Resolution No. 2010-43** approving the CDBG Annual Action Plan for FY 2010/11.

Bryan Briggs, Redevelopment & Economic Development Manager, presented an overview of the staff report to Council. Mr. Briggs stated that the purpose of tonight's Public Hearing is to take testimony from any member of the public who wishes to speak on this item so we can close the public review period and recommend to the Stanislaus County Board of Supervisors that they approve the CDBG Annual Action Plan and forward it to the Federal Department of Housing and Urban Development. The projects that are being considered in the FY 2010/11 Annual Action Plan include curb, gutter and sidewalk projects along Fourth Street from Whitmore Avenue to the Ceres

High School property, Fifth Street from Whitmore Avenue to Caswell Avenue, Sixth Street from Whitmore Avenue to Caswell Avenue, Ninth Street from Roeding Road to Lawrence Street and Lawrence Street from Ninth Street to Tenth Street. The City will be allocated approximately \$296,535 for the CDBG program for the FY 2010/11.

7:18 p.m. Mayor Cannella Opened the Public Hearing

7:18 p.m. There being no one wishing to speak, the Public Hearing was closed.

MOTION: Approve **Resolution No 2010-43** as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

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

### NEW BUSINESS

14. **Resolution No. 2010-44** approving an agreement for professional consultant services with De Novo Planning Group to perform professional planning services relating to the 2010 Update of the Housing Element of the General Plan. **REMOVED FROM AGENDA PER STAFF REQUEST**

15. **Resolution No. 2010-45** authorizing an appropriation in the amount of \$25,000 to replenish a portion of the contingency for the construction contract with George Reed Construction for the FY2009/10 Fifth and Ninth Street CDBG Project. **PULLED DUE TO CONFLICT OF INTEREST**

7:20 p.m. Mayor Cannella recused himself from the dais.

The item is a request for the Council to replenish \$25,000 for the contingency for the construction contract for the CDBG Curb, Gutter and Sidewalk project for FY 2009/2010. There have been a number of contingency items that were needed to move the project along and keep it on schedule. The requested appropriation was necessitated by the following change orders:

Change Order #1 – Project Schedule Acceleration to meet new Federal Timeliness deadlines.

Change Order #2 – Realignment of the French Drain in Ninth Street. AT&T did not relocate their utility poles prior to George Reed beginning their work as agreed. The delay by AT&T resulted in George Reed having to relocate the French Drain.

Change Order #3 - TID Irrigation Lines. During the potholing process. George Reed located an abandoned irrigation line and a “live” irrigation line. The abandoned line needed to be crushed in place and the “live” line needed to be rebuilt due to the close proximity to the new French drain being installed.

Change Order #4 – Water Meter Relocation. Water meters needed to be moved out of the sidewalk area because new meters are being installed with the meter installation project.

The change orders were unavoidable and utilized most of the project contingency. In the case that additional unknown project related costs become known an adequate contingency fund needs to be available.

MOTION: Approve **Resolution No. 2010-45** as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

**VOTE: Motion passed with Mayor Cannella abstaining and Councilmember Durossette absent (3/0/1)**

7:24 p.m. Mayor Cannella rejoined the meeting.

7:24 p.m. **ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING**

7:28 p.m. **RECONVENE AS CITY COUNCIL**

**COUNCILMEMBER REFERRALS** – None.

**REPORTS**

Council and staff reported on various community events including the upcoming Street Faire on May 1 and 2, 2010.

7:35 p.m. There being no further business, Mayor Cannella adjourned the City Council Meeting.

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Anthony Cannella, Mayor

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Cindy Heidorn, City Clerk