

## CITY COUNCIL MINUTES

June 14, 2010

Vice Mayor Lane called the Closed Session to order at 6:30 p.m. with the following in attendance:

**ROLL CALL** Council Members Durossette, Lane, Ochoa, Vierra

**EXCUSED** Mayor Cannella

### CLOSED SESSION

#### 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*

6:52 p.m. Mayor Cannella adjourned the Closed Session with nothing to report.

**7:00 p.m. CONVENE IN OPEN SESSION** – Vice Mayor Lane called the City Council Meeting to order with the following in attendance:

**ROLL CALL** Council Members Durossette, Lane, Ochoa, Vierra

**EXCUSED** Mayor Cannella

**INVOCATION** by Pastor John Saunders, Ceres First Southern Baptist Church

**PLEDGE OF ALLEGIANCE** to the flag led by Vice Mayor Lane.

### PRESENTATIONS

A. Presentation to the City of Ceres Waste Water Division for heroic actions on May 20, 2010.

Bryan Nicholes, Acting Deputy Fire Chief, presented certificates to the following employees in the Waste Water Division for rescuing a man after his car crashed at the Waste Water Treatment Plant: Mark Cardenas, Kenneth Crumb, Tommy Mejia, Rod Morris, Tony Maestas, Kevin Haley, Mark Cardenas and Jim Sharp.

B. Proclamation commemorating the Bicentennial of the Birth of Abraham Lincoln.

**APPROVAL OF THE MINUTES** of the City Council Meeting and Study Session of May 10, 2010.  
(Vice Mayor Lane Excused)

**MOTION:** Approve the minutes of the City Council Meeting and Study Session of May 10, 2010.

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

**VOTE:** Motion passed with Vice Mayor Lane abstaining and Mayor Cannella absent (3/0/2)

**APPROVAL OF THE MINUTES** of the City Council Meeting and Study Session of May 24, 2010. (All Present)

MOTION: Approve the minutes of the City Council Meeting and Study Session of May 24, 2010  
MOVED: Moved by Durossette/seconded by Ochoa  
VOTE: **Motion passed with Mayor Cannella absent. (4/0/1)**

**CITIZEN COMMUNICATIONS**

Art Amrikhas, owner of City Tow, expressed his concern and frustration he has experienced trying to be added to our rotation tow list.

Council directed staff meet with Mr. Amrikhas to discuss.

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

MOTION: Approve the agenda as posted (or amended) and certification of posting  
MOVED: Moved by Durossette/seconded by Vierra  
VOTE: **Motion passed with Mayor Cannella absent. (4/0/1)**

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

**CONFLICT OF INTEREST DECLARATION** - None

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. IT Division Monthly Report for May 2010.
  - b. Recreation Department Monthly Report for April and May, 2010.
  - c. Building Division Monthly Report for May, 2010.
  - d. Meter Installation Project: Community Education Program Status Report.
2. Register of Audited Demands for period covering May 14 – 25, 2010.
3. **Resolution No. 2010-65** approving Amendment No. 3 for the Agreement for Professional Consultant Services with George Osner.
4. **Resolution No. 2010-66** authorizing application to the U.S. Department of Justice, Bureau of Justice Assistance for a 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).
5. **Resolution No. 2010-67** approving the City of Ceres’ Transportation Development Act Claim for FY 2010/11 for transit purposes and authorizing the City Engineer to sign and submit said claim to the Stanislaus Council of Governments on behalf of the City of Ceres.
6. **Resolution No. 2010-68** declaring its intention to levy and collect assessments for the 1987 Landscape and Lighting District for Fiscal Year 2010/11 and appoint a time and place for a Public Hearing for hearing protests in relation thereto.
7. **Resolution No. 2010-69** awarding the bid for the purchase of two (2) Portable Generators from Industrial Electrical Company for the Public Works Department, Wastewater Division.
8. **Resolution No. 2010-70** approving a Cost Sharing Agreement between the cities of Ceres, Hughson, Modesto & Turlock for development of an Integrated Regional Water Management Plan and approving a Budget Amendment in the amount of \$30,000 to pay for the costs allocated to Ceres.

**9. Resolution No. 2010-XX** approving the Annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2010-11 and Setting a Public Hearing on June 28, 2010 to approve a Levy Assessment for CDRAB Activities and Projects. **CONTINUED TO 7/12/10.**

**10. Resolution No. 2010-71** making certain findings with respect to the use of Redevelopment Funds to finance the Costa Ball Fields Renovation Project

MOTION: Approve Consent Calendar Items 1a-d, 2-8 and 10, and continue Item 9 to the meeting of July 12, 2010, as recommended by staff.

MOVED: Moved by Vierra /seconded by Ochoa

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

**UNFINISHED BUSINESS** – None.

**PUBLIC HEARING** – None.

**7:17 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING**

**7:25 p.m. RECONVENE AS CITY COUNCIL**

**NEW BUSINESS**

**11. Resolutions No. 2010-73, 2010-74, 2010-75, 2010-76** Setting the Terms and Conditions of Employment for Members of the Public Safety Managers, Mid Managers Bargaining Group, Supervisor/Confidential Bargaining Group and Ceres Fire Fighters Local 3636.

Deputy Chief Borges stated that the packet includes the tentative agreements which have been reached with each of the bargaining groups. The 10% reduction in salaries which Council was requesting has been achieved. The total savings for the four groups is approximately \$607,000 and is broken down as follows:

Public Safety Managers – forgo pay for holidays, forgo all professional development funds, uniform allowances; pay out for unused sick and vacation time, each member is to pay 11% of their employee contribution for retirement. Total Savings \$99,770.

Ceres Fire Fighters Local 3636 – forgo all holiday pay, uniform allowances and 2% of salary. Total Savings \$278,125.

Mid Managers’ Bargaining Group – forgo pay for 13 holidays, 50% of their professional development funds and will have 13 unpaid furlough days. Total Savings \$120,168.

Supervisor/Confidential Bargaining Group – forgo pay for 12 holidays and will have 13 unpaid furlough days. Total Savings \$109,371.

MOTION: Approve **Resolutions No. 2010-73, 2010-74, 2010-75, 2010-76** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

**12. Resolution No. 2010-77** approving the Public Facilities Fee 2010 Nexus Study for the City of Ceres and Adopting the Public Facilities Impact Fee Schedules for various Public Facility Categories contained in the Study.

Glenn Gebhardt, Interim Development Services Director/City Engineer presented the staff report to Council. Mr. Gebhardt stated that the City's current Public Facilities Fee (PFF) Program was adopted in November 2008. Staff began the PFF review to adjust the fee based on the Engineering News Record Construction Cost Index. However, the City Council requested that staff also review the City's PFF Program to see if there was any opportunity to reduce these fees in response to the downturn in the economy. Council also requested staff to identify any specific facilities that could be removed from the list of improvements to be constructed with these fees, with the intent of lowering the fees.

Separate from the review, Stanislaus County is updating their Public Facility Fee, and they released information regarding current appraisals for land values in the area. As a result, the County is recommending reducing the anticipated per acre cost of land from \$200,000 down to \$50,000 for most categories. Ceres staff confirmed the County's land values are reflective of the Ceres area and we are recommending the same reduction of land values in our PFF.

During a Study Session on May 10, 2010, staff reviewed with Council the following potential amendments to the City's PFF Program:

1. Update the cost of anticipated Public Facilities per the Engineering News Record. (ENR)
2. Reduce the anticipated per acre land cost for public facilities.
3. Consider removing certain public facilities or transportation facilities from the list of improvements to construct, but leave the community facilities fees intact.

The resulting savings for a single family residence is an 18.9% over the current fee. Savings for non-residential uses range from 21% to 23% over existing fees.

The BIA has reviewed the report and supports the changes.

Council requested a future Study Session to discuss a possible reduction in community facilities. Council also expressed the need to review the document annually so that the changes can reflect the current market.

**MOTION:** Approve **Resolution No. 2010-77** as recommended by staff.

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

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

13. **Resolution No. 2010-78** awarding the Construction Contract for the Costa Ball Fields Renovation Project to JHK Construction, Inc. in the amount of \$2,143,000, authorizing the City Manager to execute the contract and approving a Budget Amendment to fund the Construction and a 10% contingency.

Michael Brinton, Assistant City Engineer/Interim Deputy Director of Public Works, addressed Council stating that the bids for the construction of the project were opened on May 25, 2010. Six bids were received and JHK Construction was the apparent low bidder. The bid was structured to provide a Base Bid plus Additive Alternates. This approach allowed the Council the option to award construction of the main improvements most needed at the park and then, if the additional improvements were considered cost effective, to include them in the contract award.

There are four Additive Alternatives:

1. Food Service/kitchen equipment for the concession stand.
2. Solar panels integrated into the roofing to supplement the electrical power.
3. Illuminated electrical score boards
4. Installation of landscaping plants.

Staff is recommending that Council approve the contract and alternatives 1, 3 and 4.

Council expressed concern with regard to the 10% contingency plan of \$214,300.

Staff responded that the project has a lot of unknowns but we hope to not use very much of the contingency. We will watch them very closely.

Mr. Gebhardt addressed Council regarding the removal of the Budget Amendment which was originally included with this item. The Budget Amendment was shifted to the Redevelopment Agency Agenda item appropriating the funds so that portion of the resolution has been amended.

George Silvera, resident, asked what the project includes.

Staff responded that the project includes demolishing the current building and putting up a new two story building, new restrooms and sewer lines, an addition to the existing storage area, new light poles and lighting and new scoreboards. Construction will begin in early July and be completed in early February, 2011.

Council requested that the contractor try to use as many local subcontractors as possible.

**MOTION:** Approve **Resolution No. 2010-78** with the removal of the Budget Amendment.

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

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

14. **Resolution No. 2010-79** approving an agreement with Pacific Design Associates, Inc. to perform Construction Management Services for the Costa Ball Fields Renovation Construction Project, plus a 10% contingency and authorizing the City Manager to execute the contract for these services.

Mike Brinton addressed Council stating that given the size of the Costa Ball Fields Renovation project, the project will require a Construction Manager. The Construction Manager will review and comment on submittals; respond to requests for information; conduct progress meetings and reports; monitor and update the construction schedule; review and approve progress payments; review and approve or deny change order requests; perform inspections and prepare inspection reports; maintain photo documentation of work; monitor contractor's as-built record drawing; monitor labor compliance; perform final inspection and generate a punch list; and review and approve the final payment request.

Staff does not have the resources to provide construction management on this project due to its complexity and duration. Due to the importance of keeping the project on schedule, staff approached several firms and found that most of the firms were approximately 10% of the cost of the project. Pacific Design Associates, a Modesto based firm, agreed to do the project for only 2.3% of the construction cost.

Council requested that staff state for the record the source of the money that will be used to fund the project.

Staff responded that the money being used is from the proceeds from the 2006 Redevelopment Agency Bond Issue which can only be used for construction projects.

Mr. Don Phillips, representing Pacific Design Associates addressed Council and thanked them for their support.

**MOTION:** Approve **Resolution No. 2010-79** as recommended by staff.

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

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

**COUNCILMEMBER REFERRALS** – None.

**REPORTS** – None.

There being no further business, Vice Mayor Lane adjourned the meeting at 7:50 p.m.

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Anthony Cannella, Mayor

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Cindy Heidorn, CMC, City Clerk