

CITY COUNCIL MINUTES

June 28, 2010

CLOSED SESSION – No Closed Session was held

CONFERENCE WITH LABOR NEGOTIATOR

City Negotiator: Liebert, Cassidy, Whitmore

Employee Organization: Miscellaneous Bargaining Unit

Employee Organization: Ceres Police Officers' Association

Pursuant to Gov't. Code Section 54957.6

Mayor Cannella called the June 28, 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 Mr. Michael Brinton.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

- A. Presentation of a donation from Food 4 Less to the Public Safety Department for a new Narcotics Canine.

Bob Gutierrez representing Food 4 Less presented a check in the amount of \$5,000.00 to the Ceres Department of Public Safety for a new narcotics canine.

Council thanked Food 4 Less for their generous donation.

APPROVAL OF THE MINUTES of the Regular Meeting and Study Session of June 14, 2010. (Cannella excused)

MOTION: Approve the minutes of the City Council Meeting and Study Session of June 14, 2010.

MOVED: Moved by Lane/seconded by Durossette

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

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (five minutes).

- Doug Hemingway, resident, addressed Council about the continuing problems around Smyrna Park. Speeding traffic on Rose Avenue is making the neighborhood dangerous. Mr. Hemingway also reported that there are some of the lights at Smyrna Park are not working properly.

Council directed staff to check the lights at Smyrna Park.

- Art Amrikhas, owner of City Tow, addressed Council regarding his dissatisfaction with the City's tow rotation program.
- Don Kool, resident, addressed Council concerning brush piles around the City. The brush piles are allowed to sit in the streets for too long and they create a mess, blow into neighboring yards and inhibit the ability of street cleaners. Fowler Road near Smyrna Park is especially bad.

Staff responded that the Mobile Home Park on Fowler Road is not supposed to put any limbs or debris on the street and staff is working on enforcement measure to prohibit them from doing so. Staff will check on the progress and report back to Council.

Council recommended that staff also explore the possibility of implementing a time limit for limbs to be placed on the street.

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 Ochoa/seconded by Durossette

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

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict with Item #6 stating that his firm has done work with the Teichert Construction within the last 12 months.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Major Projects List Update.
2. Register of Audited Demands for period covering June 1 – 17, 2010.
3. **Resolution No. 2010-80** authorizing the acceptance of California Integrated Waste Management Board's Local Government Waste Tire Cleanup and Amnesty Event Grant Funds and approving a FY2010/11 Budget Amendment to appropriate funds.
4. **Resolution No. 2010-81** authorizing submittal of Used Oil Payment Program applications and related program documents to the Department of Resources Recycling and Recovery (CalRecycle).
5. **Resolution No. 2010-82** adopting the Annual Statement of Investment Policy.
6. **Resolution No. 2010-83** accepting the Service Road Sanitary Sewer Connections Project as Complete, approving a balancing contract change order, authorizing the filing of a Notice of Completion and retention release to the contractor. **PULLED FOR CONFLICT OF INTEREST.**
7. **Resolution No. 2010-84** adopting the Purchasing Policy for the City of Ceres. **PULLED FOR FURTHER DISCUSSION**
8. **Resolution No. 2010-85** reorganizing certain departments and positions and amending the Classification Plan to establish new positions, job descriptions and salary ranges to increase the compensation for certain interim positions. **PULLED FOR FURTHER DISCUSSION**
9. **Resolution No. 2010-86** ratifying the appointment of Glenn Gebhardt as Director of Public Works/City Engineer, and approving the Employment Agreement. **PULLED FOR FURTHER DISCUSSION**

MOTION: Approve Consent Calendar Items 1-5 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

6. **Resolution No. 2010-83** accepting the Service Road Sanitary Sewer Connections Project as complete, approving a balancing contract change order, authorizing the filing of a Notice of Completion and retention release to the contractor

MOTION: Approve **Resolution No. 2010-83** as recommended by staff.

MOVED: Moved by Durossette/seconded by Guillermo

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

7. **Resolution No. 2010-84** adopting the Purchasing Policy for the City of Ceres.

Council felt that the approval limit for Contracts was too liberal and directed staff to modify the limit to \$25,000.

City Attorney Lyons stated that if the desire of Council was to modify the spending limit, an ordinance amendment would also need to be made. The policy can be amended but it will need to be followed up with a formal Ordinance amendment.

MOTION: Approve **Resolution No. 2010-84** with the modification of the approval limit from \$50,000 to \$25,000.

MOVED: Moved by Vierra/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

8. **Resolution No. 2010-XXX** reorganizing certain departments and positions and amending the Classification Plan to establish new positions, job descriptions and salary ranges to increase the compensation for certain interim positions.

9. **Resolution No. 2010-XXX** ratifying the appointment of Glenn Gebhardt as Director of Public Works/City Engineer, and approving the Employment Agreement.

Vice Mayor Lane requested that Items 8 and 9 be continued to the Council Meeting of July 12, 2010 and requested a Special Study Session be held prior to July 12th to discuss the items.

The date of June 30, 2010 at 5:30 p.m. was chosen for the Special Study Session.

MOTION: Continue Items Numnber 8 and 9 until July 12, 2010 and hold a Special Study Session on June 30, 2010 to discuss the items.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

UNFINISHED BUSINESS - None

PUBLIC HEARING

10. **Resolution No. 2010-87** adopting the Annual Budget for the City of Ceres for the 2010/11 Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011 and **Resolution No. 2010-88** adopting the Appropriations Limitation for FY 2010/11.

Finance Director, Sheila Cumberland, presented a brief Budget overview to the Council.

Council asked for clarification that the position changes proposed in Item 8 which has been continued to July 12th are not included in the Budget about to be approved.

Ms. Cumberland responded that there is a revised position list before them that has the proposed positions removed so if Council does not want to approve the new positions they should approve the budget with the amended position list.

7:30 p.m. Mayor Cannella opened the Public Hearing.

7:30 p.m. There being no one wishing to speak, the Public Hearing was closed.

Council commended staff for their compensation concessions as well as the identification of savings in other areas.

MOTION: Approve **Resolution No. 2010-87** with the amended position list (all proposed positions changes removed) and **Resolution No. 2010-88** as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

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

NEW BUSINESS

11. **Resolution No. 2010-89** revising the fees charged by the City of Ceres for Sewer Service in the North Ceres Service Area, effective July 1, 2010 and July 1, 2011.

Glenn Gebhardt, Interim Development Services Director/City Engineer, presented the staff report to Council. Mr. Gebhardt stated that when the City established sewer rates in 2008, the North Ceres rates included anticipated increases by the City of Modesto. In 2009, Modesto announced that they would delay implementation of sewer rate increases scheduled to become effective on July 1, 2009. Ceres enacted a reduction in our July 1, 2009 rate increase to account for this delayed increase from Modesto.

On May 25, 2010, the City of Modesto adopted revised sewer rates for the next five years. The resulting rate increases are lower than prior anticipated increases. The Modesto component of the North Ceres Service Area sewer service rate is a pass-through to the City of Modesto. It would be appropriate to reduce the North Ceres rates to reflect the reduction of the anticipated charges from Modesto.

The balance of the City of Ceres that is not located in the North Ceres service area, does not flow to the City of Modesto, and is therefore unaffected.

MOTION: Approve **Resolution No. 2010-89** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

12. **Resolutions No. 2010-90, 2010-91**, Setting the Terms and Conditions of Employment for Members of the Ceres Police Officer Association and the Miscellaneous Bargaining Unit.

Deputy Chief Borges stated that tentative agreements have been reached with the remaining two bargaining groups. The 10% reduction in salaries which Council was requesting has been achieved. The total savings for the two groups is approximately \$1,015,010 and is broken down as follows:

Ceres POA– forgo cash-out of holiday time, and each member is paying 26% of their employee contribution for retirement. Total Savings \$516,775.

Miscellaneous Bargaining Unit – forgo pay for 12 holidays, and will have 13 unpaid furlough days. Total Savings \$498,235.

7:43 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

7:47 p.m. RECONVENE AS CITY COUNCIL

COUNCILMEMBER REFERRALS - None

REPORTS

Council members and staff reported on various recent and upcoming activities including the Concert in the Park series and the recent League of California Cities Public Safety Policy Committee Meeting.

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

Anthony Cannella, Mayor

Cindy Heidorn, CMC, City Clerk