

CITY COUNCIL MINUTES

July 12, 2010

Mayor Cannella called the July 12, 2010 City Council Meeting to order at 7:00 p.m. with the following in attendance:

ROLL CALL Council Members Durossette, Lane, Ochoa, Mayor Cannella

EXCUSED Councilmember Vierra

INVOCATION by Pastor Robinson, Ceres First Southern Baptist Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

CITIZEN COMMUNICATIONS – None.

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 Lane/seconded by Durossette

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

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION - None

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Monthly Report for May, 2010.
 - b. Meter Project status report.
2. Register of Audited Demands for period covering June 18, 2010 – July 1, 2010.
3. **Resolution No. 2010-92** accepting the Biennial Notice and Adopting the Conflict of Interest Code of the Ceres Redevelopment Agency.
4. **Resolution No. 2010-93** approving the annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2010-11 and Setting a Public Hearing on July 26, 2010 to approve a Levy Assessment for CDRAB Activities and Projects.
5. **Resolution No. 2010-XX** amending section 5.2(b) of the City of Ceres Personnel Rules to allow the hiring of temporary personnel without requiring an open competitive examination. **Pulled for Further Discussion**
6. **Resolution No. 2010-94** approving a Consultant Services Agreement with MVE Inc. to design the Alley Improvements, Proposition 1B, 2008 Allocation and 2010 Allocation, and authorizing the City Manager to execute a Contract.

MOTION: Approve Consent Calendar Items 1a – b, 2-4 and 6

MOVED: Moved by Lane/seconded by Ochoa

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

- 5. **Resolution No. 2010-XX** amending section 5.2(b) of the City of Ceres Personnel Rules to allow the hiring of temporary personnel without requiring an open competitive examination.

Staff requested this item be continued to the July 26, 2010 meeting to allow sufficient time to meet and consult with the Miscellaneous Bargaining Unit.

MOTION: Continue Item #5 to the City Council Meeting of July 26, 2010.

MOVED: Moved by Lane/seconded by Durossette

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

UNFINISHED BUSINESS

- 7. **Resolution No. 2010-95** reorganizing certain departments and positions; amending the Classification Plan to establish new positions, job descriptions and salary ranges and to increase the compensation for certain interim positions; and, amendment of budget related items.

Brad Kilger, City Manager addressed the Council. Mr. Kilger stated that at the regular City Council meeting on June 28, 2010, this matter was considered and the Council continued action on the matter until it could be discussed further. Council set the date of June 30, 2010 to hold a Special Study Session to discuss the matter further. At the Special Study Session the reorganization plan and job reclassifications were explained in greater detail by staff, including staff’s rationale for increased compensation for some of the reclassified positions based not only upon the increased workload required by those positions, but also upon the increased level of responsibility placed on the positions. Council’s questions and concerns were addressed and based upon Council direction, staff is proposing the following reorganization and reclassification of positions:

Reorganization:

Eliminate the Development Services Department, transfer the Planning and Building Division to the City Manager’s Office and combine the Engineering Division with the Public Works Department.

Reclassifications:

Current Title	Reclassification
• Director of Public Works	• Director of Public Works/City Engineer
• Assistant City Engineer	• Deputy Director of Public Works/Asst. City Engineer
• Senior Planner	• Planning/Building Manager
• Asst. to the City Manager/PIO	• Senior Management Analyst
• Administrative Secretary & Secretary	• Public Safety Executive Assistant (Confidential)

MOTION: Approve Consent Resolution No. 2010-95 as recommended by staff

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Councilmember Vierra absent. (4/0)

8. **Resolution No. 2010-96** ratifying the appointment of Glenn Gebhardt as Director of Public Works/City Engineer, and approving the Employment Agreement.

City Manager, Brad Kilger introduced the staff report stating that during the City Council FY2010/11 Budget Study Session held on June 14, 2010, staff recommended to the Council the realignment and/or consolidation of certain organizational functions and the reclassification of certain existing employees into new positions to achieve cost savings and maintain critical city services. One of the recommendations was the consolidation of the City's Public Works and Engineering functions.

Glenn Gebhardt has served as the City's City Engineer since January 2009. In an effort to reduce expenditures as a result of the significant decrease in City revenues brought on by the recession, the City eliminated the classification of Community Development Director as part of the FY2009/10 Budget adoption. To assist the City during its efforts to restructure the organization so as to maintain critical public services while reducing costs, Glenn Gebhardt assumed the additional responsibility of managing the City's building and planning functions as well as performing his City Engineer duties as Interim Development Services Director.

In February of 2010 the City's Public Works Director resigned to accept a position with another public agency. Since that time, Glenn Gebhardt has assisted the City Manager in overseeing the activities of the department to ensure that service delivery continues uninterrupted and in a manner responsive to the needs of the citizenry. Mr. Gebhardt has performed very competently under very difficult circumstances. Though overall staffing has been reduced, he has improved the City's capital improvement program, including the design and construction process and overseen implementation of \$30 million in capital projects and the acquisition of over \$3 million in competitive transportation grants. He has done this by exhibiting significant dedication to his job and willingness to put in what ever time is necessary to accomplish the task at hand.

Mr. Kilger further stated that staff is requesting an amendment to the proposed employment agreement as it relates to the car allowance. In lieu of the car allowance, staff wishes to provide Mr. Gebhardt with a City vehicle. The truck used by the previous director of Public Works is available and given the nature of the position, it is necessary for the Public Works Director to be available nights and weekends for emergencies.

Council concurred with Mr. Kilger's request to amend the contract with regards providing a City vehicle in lieu of a car allowance.

Council reviewed the proposed employment agreement and expressed concern with the inclusion of "Section IV – Termination and Severance Pay" and "Section V, E – Management Leave".

Staff responded that Management Leave at the Director level is an industry standard given the long work hours and the need for the Public Works Director to be available on the weekends for emergencies and call-outs.

Council agreed to leave Section V, E – Management Leave in the Contract.

Staff further stated that the Severance Pay clause was incorporated into this contract to remain consistent with the recently approved contract for the Finance Director.

Council and staff discussed the value of including the Severance Pay clause in this contract and all contracts moving forward. The City does not fiscally have the ability to pay large sums of money to employees who are leaving City service. A discussion was held on the equity of offering severance to the Finance Director and not the Public Works Director/City Engineer. Councilmember Ochoa felt strongly that the Severance Pay should remain in Mr. Gebhardt's contract but removed from any contract moving forward.

Those speaking in favor of granting Mr. Gebhardt a severance package:

- Len Shephard, resident
- Hugo Molina, resident

MOTION: Approve **Resolution No. 2010-96** ratifying the appointment of Glenn Gebhardt as Director of Public Works/City Engineer, and approving the Employment Agreement with the amendment to provide a City vehicle in lieu of a car allowance.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: **Motion died due to a lack of simple majority vote with Councilmember Vierra absent. (2/2)**

Ultimately, Council decided that it did wish to remove the Severance Pay clause from future contracts and that it was in the City's best interest to begin with Mr. Gebhardt's contract. Council iterated that it was no reflection on their confidence in or the abilities of Mr. Gebhardt.

7:30 p.m. Council recessed for a short break to allow City Manager Kilger to discuss the contract modifications with Mr. Gebhardt.

7:32 p.m. Council reconvened in open session. Mr. Gebhardt supported Council's decision to remove the Section IV – Termination and Severance Pay from the proposed contract.

MOTION: Approve **Resolution No. 2010-96** ratifying the appointment of Glenn Gebhardt as Director of Public Works/City Engineer, and approving the Employment Agreement with the amendment of providing a City vehicle in lieu of a car allowance and the removal of Section IV – Termination and Severance Pay.

MOVED: Moved by Durossette/seconded by Lane

VOTE: **Motion passed with Councilmember Ochoa voting No and Councilmember Vierra absent. (3/1)**

PUBLIC HEARING – None.

NEW BUSINESS

9. Consideration of **Ordinance No. 2010-996** amending the Ceres Municipal Code to reduce the monetary authority of the City Manager to execute contracts. **Introduction and first reading**

City Attorney, Mike Lyons presented a brief staff report to Council stating that on June 28, 2010 Council reviewed the City's proposed Purchasing Policy and determined that the in order for the Council to properly fulfill its obligations to the citizens, they should review and approve all contracts where the contract sum is more than \$25,000.00.

At that time, Mr. Lyons advised that since the City Manager's contract approval limit was contained in the City's existing Municipal Code, it would be necessary to amend the Municipal Code to make it consistent with the Purchasing Policy.

Council requested that staff begin reporting on contracts issued which are less than \$25,000. Inclusion in the monthly reports is fine.

MOTION: Waive full reading and have **Ordinance No. 2010-996** read by number and title only.

MOVED: Moved by Lane/seconded by Ochoa

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

Mayor Cannella directed the City Clerk to read **Ordinance No. 2010-996** by title and number only.

Cindy Heidorn, City Clerk, read **Ordinance No. 2010-995** by number and title only.

MOTION: Approve **Ordinance No. 2010-996** amending the Ceres Municipal Code to reduce the monetary authority of the City Manager to execute contracts for First Reading and Introduction.

MOVED: Moved by Lane/seconded by Durossette

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

10. **Resolution No. 2010-97** awarding contract for Design, Engineering and Project Management Services for the FY2010/11 CDBG project to GDR Engineering, Inc. and authorizing the Finance Director to make any necessary Journal entries and the City Manager to Execute.

Bryan Briggs, Redevelopment/Economic Development Manager presented the staff report to Council. Mr. Briggs stated that on May 25, 2010 staff sent a Request for Proposal soliciting design, engineering and project management services to five engineering firms doing business in Stanislaus County.

A review committee comprised of the City Planner, Assistant City Engineer, City of Ceres Redevelopment Manager and the Stanislaus County Redevelopment Manager analyzed and graded the proposals using the Engineering Proposal Review form.

Using the Engineering Proposal Review grading sheet two firms rated very high in the selection process, Mid Valley Engineering located in Modesto and GDR Engineering located in Ceres. Mid Valley Engineering scored slightly higher because their proposal showed a six month project schedule compared to GDR Engineering's seven month project schedule.

The cost of GDR proposal was 8% higher than that of Mid Valley Engineering. Given Council's desire to use local firms staff is of the opinion that the qualifications and pricing are close enough to recommend GDR Engineering Inc. for award of this project. Unlike construction projects that require the City to choose the most qualified lowest bidder, we are not constrained by price for professional services contracts.

Council commended staff for focusing on local vendors.

MOTION: Approve **Resolution No. 2010-97** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

COUNCILMEMBER REFERRALS

Request for future Study Session on City employee compensation and benefits.

REPORTS – None.

There being no further business, Mayor Cannella adjourned the meeting at 7:55 p.m.

Anthony Cannella, Mayor

Cindy Heidorn, City Clerk