

JOINT CITY COUNCIL/CRA MINUTES

July 26, 2010

Mayor Cannella called the July 26, 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 Pastor Adrian Condit, Village Chapel Free Will Baptist Church,

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

APPROVAL OF THE MINUTES of the regular meeting of June 28, 2010.

MOTION: Approve the minutes of the regular meeting of June 28, 2010.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed unanimously. (5/0)

CITIZEN COMMUNICATIONS

- Nadine Fiskum, resident addressed Council regarding possible uses for the current Walmart building on the corner of Hatch and Mitchell should it become City property.

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

MOTION: Approve 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

Mayor Cannella declared a conflict with Item No. 7 stating that he owns property within 300 feet of the project.

Councilmember Vierra declared a conflict with Item No. 11 stating that his firm has done work with TJKM in the past.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works monthly report for June 2010.
 - b. IT Department monthly report for June 2010.
 - c. Major Project List Update.
2. Register of Audited Demands for period covering July 2 – July 9, 2010.
3. Waive Second Reading and adopt **Ordinance No. 2010-996** amending the Ceres Municipal Code to reduce the monetary authority of the City Manager to execute contracts.

4. **Resolution No. 2010-98** ordering the levy and collection of special taxes within Community Facilities District No. 1 within the City of Ceres.
5. **Resolution No. 2010-99** ordering the levy and collection of special taxes within Community Facilities District No. 2 within the City of Ceres.
6. **Resolution No. 2010-100** approving a Maintenance Agreement with Thyssenkrupp Elevator Corporation.
7. **Resolution No. 2010-101** adopting a Mitigated Negative Declaration for the Construction of the North Richland Storm Drainage Outfall Project. **Pulled for Conflict of Interest.**

MOTION: Approve Consent Calendar Items 1a-c, 2 – 6 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

7. **Resolution No. 2010-101** adopting a Mitigated Negative Declaration for the Construction of the North Richland Storm Drainage Outfall Project.

Mayor Cannella recused himself from the dais. Vice Mayor Lane asked if there were any questions on the item. Seeing none, Vice Mayor Lane called for a motion.

MOTION: Approve **Resolution No 2010-101** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

UNFINISHED BUSINESS

8. **Resolution No. 2010-102** 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. *Continued from 7/12/10*

Mike Borges, Deputy Police Chief/Human Resources Manager introduced the staff report explaining that this item was first presented to Council on July 12, 2010. At that time, staff requested the item be continued to this meeting to allow additional time to meet and consult with the Miscellaneous Bargaining Unit.

Currently, the City hires temporary personnel to help supplement the full time employees within various departments. The hiring process for these employees is usually through a Temporary Employee Agency which targets a specific set of skills depending on the needs of the City.

Once the employee is hired through the Agency, they are placed in the desired department where they receive the additional training specific to that department and function as a full time employee.

Under the City's current Personnel Rules, when a vacancy is identified, temporary personnel must compete in the open-competitive examination process rather than being allowed to compete in the internal promotion examination process.

This change will enable the City to choose whether or not to do an open recruitment or select from within our own pool of trained personnel, with whom we have established a current working relationship. If temporary personnel have demonstrated an ability to function within the classification

they now can be considered for appointment to full time regular position along with full time employees, with a minimal amount of additional testing or cost.

Staff conducted a meet and consult with the Miscellaneous Bargaining Group. The Miscellaneous Bargaining Group felt that this change would create an unfair advantage for temporary personnel. Staff did not concur.

After Council discussion, the following motion was made:

MOTION: Approve **Resolution No. 2010-102** as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

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

PUBLIC HEARING

9. Public Hearing to consider **Resolution No. 2010-103** amending/approving the annual report, confirming the assessment and ordering the levy for the 1987 Landscape and Lighting District for FY 2010/11.

Glenn Gebhardt, Public Works Director/City Engineer, introduced the item stating that each year per the Streets and Highway Code Section 22621, the City needs to reset the assessments for the Landscaping and Lighting District. The City Council previously adopted a resolution determining to undertake the proceedings and this is the last step to complete the process.

Stanislaus County requires each agency that wants an assessment placed on the tax rolls to certify that the assignment complies with the applicable laws and Proposition 218. All of the 1987 Landscape and Lighting District assessments are exempt from Proposition 218 as they are the same or lower than the previous year; having been only adjusted based on an inflation rate voted on by the property owners.

7:20 p.m. The Public Hearing was opened.

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

MOTION: Approve **Resolution No. 2010-103** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

10. Public Hearing to consider **Resolution No. 2010-104** approving a Levy Assessment for CDRAB Activities and Projects.

Bryan Briggs, Economic Development/Redevelopment Manager, introduced the item explaining that the activities and programs initiated and funded by CDRAB are of vital importance to the continued success of revitalization efforts in Downtown Ceres. Collecting the assessments is the only method to fund the projects that keep Downtown clean and well-lit. The revenue also contributes to promotional and beautification efforts of all Downtown businesses.

Council asked what steps had been taken over the last year to engage the downtown business owners.

Mr. Briggs responded that monthly meetings were held with downtown business owners from July 2009 through February 2010. Issues were identified and staff is currently working to resolve those issues.

7:23 p.m. The Public Hearing was opened.

7:23 p.m. There being no one wishing to speak, the Public Hearing was closed.

MOTION: Approve **Resolution No. 2010-104** as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

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

NEW BUSINESS

11. **Resolution No. 2010-105** approving a Consultant Services Agreement with TJKM Transportation Consultants to design the Blaker Road and Service Road Traffic Signal (Prop 1B), and authorizing the City Manager to execute the contract.

Councilmember Vierra recused himself from the Dais.

Glenn Gebhardt, Public Works Director/City Engineer, introduced the item. Mr. Gebhardt stated that the traffic signal at Blaker and Service Roads which is part of the 2009/10 CIP has become a priority due to the amount of students using the intersection from Central Valley High School. Pedestrian traffic as well as vehicle traffic, indicates the need for a signalized intersection.

The lack of a traffic signal causes the flow of traffic to be impeded significantly. Student pedestrians utilize the intersection randomly and in strings rather than in organized groups, causing traffic delays over long periods before and after school. Traffic flow will be much safer and more efficient after the regulation with a traffic and pedestrian signal.

Staff sent requests for proposals to 21 engineering firms and received four proposals. Three of the four included a local engineering firm as either a sub-consultant or the lead. TJKM Transportation Consultants received the highest ranking and was the lowest price. The TJKM proposal includes Mid Valley Engineering, Modesto, as a sub-consultant for the Civil and Surveying work associated with the traffic signal design.

Mr. Rob Christiansen representing Mid Valley Engineering thanked Council for their consideration and stated that he looked forward to working on the project.

MOTION: Approve **Resolution No. 2010-105** as recommended by staff.

MOVED: Moved by Durossette/seconded by Lane

VOTE: **Motion passed with Councilmember Vierra abstaining. (4/0/1)**

COUNCILMEMBER REFERRALS – None.

REPORTS – City Manager, Brad Kilger reported on the beginning of construction of the new Rite Aid on Mitchell Road.

7:30 p.m. Mayor Cannella adjourned the joint City Council/CRA Meeting to Closed Session

CRA CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2732 5th Street

Negotiating parties: Brad Kilger, Executive Director or his designee

Under negotiation: Instruction may include price, terms of payment or both

Purpose of Proposed Acquisition: General purposes consistent with the Redevelopment Agency's Plan, including provision of affordable housing and preservation of an historical resource.

Pursuant to Gov't Code Section 54956.8

8:00 p.m. Mayor Cannella reconvened the joint City Council/CRA Meeting in open session with nothing to report

8:00 p.m. There being no further business, Mayor Cannella adjourned the joint City Council/CRA Meeting.

Anthony Cannella, Mayor

Cindy Heidorn, City Clerk