

JOINT CITY COUNCIL/CRA AGENDA MINUTES

January 10, 2011

Mayor Vierra called the January 10, 2011 Joint City Council/CRA Meeting to order at 7:00 p.m. with the following in attendance:

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

INVOCATION by Michael Brinton, City of Ceres.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

APPROVAL OF THE MINUTES of the Special Meeting of December 7, 2010 and the Regular Meeting of December 13, 2010

MOTION: Approval of the minutes of the Special Meeting of December 7, 2010 with revision and the Regular Meeting of December 13, 2010 with revision.

MOVED: Moved by Lane/seconded by Durossette

VOTE: **Motion passed Unanimously (4/0)**

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda.

- Len Shepherd, resident, commented on the recent delay in the Firefighter recruitment.

Acting City Manager Art de Werk responded that the delay was due to an unprecedented response to a recent recruitment which netted over 640 applications. There is a sense of urgency to fill the position, we are just trying to deal with the overwhelming number of applicants.

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

MOTION: Approval the agenda as posted and certification of posting.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: **Motion passed Unanimously (4/0)**

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION - None

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. IT Department Monthly Report for November, 2010.
2. Register of Audited Demands for period covering December 3-15, 2010.
3. Waiver of Second Reading and Adopt **Ordinance No. 2010-998** Repealing Chapter 2.40 of Title 2 of the Ceres Municipal Code and Adopting a new Chapter 2.40 – Civil Defense to Update emergency Planning Administration to Coordinate with County Wide Disaster Planning Administration.
4. Set public hearing date of January 24, 2011, to reconsider a previously approved proposal by the Planning Commission for the development of a 16,813 square foot commercial building with a drive-thru pharmacy at the northwest corner of Hatch Road and Central Avenue. The proposal requires the approval of an Annexation (10-01 Annex), a General Plan Amendment (10-02 GPA), Prezone (10-03

PZ) and an Architectural and Site Plan Approval (10-04 ASPA). The City Council considered this item on November 8, 2010, and directed the Planning Commission to reconsider the proposal regarding traffic improvements and site access. The Planning Commission reconsidered this item on December 20, 2010, and approved the proposal with additional recommendations to traffic improvements and site access.

MOTION: Approve Consent Calendar Items 1a – 4 as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed Unanimously (4/0)

UNFINISHED BUSINESS

5. **Resolution No. 2011-01** approving the purchase of 600 additional ¾” water meters from Golden State Flow Measurement in the amount of \$138,324.00; and approving a Construction Contract Change Order to increase the current Measurement Control Systems budget by \$54,000.00 for installation. *Continued from 12/13/2010.*

Glenn Gebhardt, Director of Public Works/City Engineer, stated that this item was continued from the December 13, 2010 City Council meeting to allow staff time to clarify the situation and resolve some details on our numbers. As staff explained at the meeting of December 13th, the master equipment list, prepared by Triton, was based on customer lists and financial information from the Finance Department and at the moment, our estimate was that that list had missed 400 meters. We estimated that at build-out, the total missing might be about 600. An updated counted as of tonight is 491. We will not have an exact count until the project is complete, however, we are asking Council tonight for 491 meter that we know were missed, for a total cost of \$113,195.14. We do expect to return to Council at each of the following meetings for an update so you know exactly how the progress is moving and as we refine those numbers based on the installations in the field so we can give you an exact update.

The current schedule is to complete the installation of all of the meters that we have on hand by the end of the first week in February. This order, if you approve this order tonight, we expect to receive it the first week in February. We estimate that those 491 can be installed by the end of February which will allow us to maintain our schedule of starting our mock billing in April and having six months of mock billing for citizens. If we do find additional meters in the next month and one-half that we are missing, as we come back to you for approval, those will end up being approved and ordered and install in March. We would move forward with the mock billing for the 98% of the City and then for the few that we do at the end, they would start their mock billing in May.

Council asked Triton to please step to the podium.

COUNCIL: *How did you arrive at the number of meters necessary to complete the project?*

TRITON: Susy McMullen, representing Triton Technology responded that normally, they would compile their Master Equipment List by exporting a unique identifier or a route/sequence number. Ceres doesn't have either, so the best way to gather the information was to combine two files, that was to combine the active accounts with the vacant/inactive accounts and the billing list we send to Infosend and then we scrubbed out the sewer only accounts and came up with the 10, 976.

COUNCIL: *Did your firm prepare the RFP packages that went out to the contractors for the installation and for the meters?*

TRITON: Yes

COUNCIL: What was the number that was indicated in the RFP package?

TRITON: They were wrong. Because we were trying to speed up the process in order to reach this specific timeline to give everyone a year of consumption values before we start billing them; we published the RFPs before we had the exact count. The reason Phil originally intended to do that was to speed things up. So while we were actually out in the field surveying, we had our RFP on the street to procure the type of system we want.

COUNCIL: Well, the number that is quoted in the RFP for installation is 11,636 which seems pretty specific.

TRITON: It was a good estimated guess.

COUNCIL: The RFP is for the installation of 11,636 meters, the master equipment list has 10,976 meters but the contract is for 10,500 meters.

TRITON: We found approximately 700 meters that did not need to be replaced so we did not need to purchase the full amount. We know right now as of December 16, 2010 that we need 491 meters from addresses that were missed. As of January 17, if we have any additional addresses that were not on the original Master Equipment List, we will come back then.

Council asked for concurrence from staff that this project has no use of General Fund money. Staff concurred that no General Fund money was being used for this money.

Council asked for concurrence from staff that we are still within the budgeted amount. Staff concurred that we are within the budgeted amount.

Council asked for staff concurrence that when the contract was originally approved, it was approved for 11,636 and for some reason the Consultant dropped the amount to 10,500 and now they are asking for the ability to increase the amount of meters needed and if we authorize that amount we are still not going over the originally approved amount.

Staff concurred that is correct. The RFP went out for 11,636, the amount approved was 10,500 but there was no contingency to go up to the budgeted amount of 11,636. So, we have to come back to Council to get any additional meters between the 10,500 which was already approved by Council up to the 11,636 which is included in the budget.

Council expressed their disappointment in the Consultant and the lack of project management.

Mayor Vierra issued the following statement: "Do not entertain bringing any type of Budget Amendment to this body. I will not support it and I don't think it will be found justifiable. As mentioned, I'm disappointed in the performance and the misinformation that this body has been given during this process."

Len Shepherd, resident, asked Council if there wasn't a master list or map that shows each property hook-up. Mr. Shepherd further stated that He agreed with Council, we should not support any additional funding for this project.

Staff responded that we do not have any maps identifying our water services on any type of base map system however with the installation of the new water meter system we will be able to track all water meters and water meter activity.

Council asked staff if we have enough money budgeted to cover the cost of any additional meters, if they approve the 491 meters this evening. Since the 491 additional meters only catches the City up to 12/16/10 and there will be a new count taken on 1/17/11, at which time, the Consultant will probably require additional meters, is there enough money in the budget to cover the costs of those meters.

Staff guaranteed Council that there is enough money budgeted to cover the costs of the additional meters. Some of the additional meters will be retrofits and therefore be less expensive.

Council again expressed their frustration with the management of the project, the lack of concrete information available.

Ms. McMullen explained the process to Council. Triton has the Master List they use in the field. If they find a house that is not on their list they write down the address and give it to Jerry and Jeremy to verify that it is a water account and is a City of Ceres account. If it meets that criteria we know that is an address that was not on the Master Equipment List that should have been. But until we do that, we cannot give you exact number.

We will not know exactly how many we have until the last of the 10,976 meters is installed and the last of the tally sheets is counted.

Council Summarized as follows:	Meters Budgeted	11,636
	Meters Purchased	-10,500
	Add'l Meters	<u>- 491</u>
	Meters Remaining in Budget	<u><u>645</u></u>

And we are budged for installation for 11,636 meters.

Staff concurred and guaranteed that we would not ask for any additional funds.

MOTION: Approve **Resolution No. 2011-01** approving the purchase of 491 additional ¾” water meters from Golden State Flow Measurement in the amount of \$113,195.14

MOVED: Moved by Lane/seconded by Durossette

VOTE: **Motion passed Unanimously (4/0)**

PUBLIC HEARING

- 6. Public Hearing to consider approval of the Downtown Specific Plan and Related Environmental Documents:

Resolution No. 2011-02 certifying the Final Environmental Impact Report (SCH2009052051) for the Ceres Downtown Specific Plan (DSP), adopting mitigation measures, adopting a Statement of Overriding Considerations, adopting a Mitigation Monitoring and Reporting Program and authorizing filing of a Notice of Determination (NOD);

Resolution No. 2011-03 approving various General Plan Map and text amendments (10-12 GPA);

Ordinance No. 2011-999 approving various Zoning Code Map and text amendments (10-13RZ); **First Reading and Introduction.**

Resolution No. 2011-04 approving Ceres Downtown Specific Plan (10-14DSP) containing development principles and design guidelines for the Ceres Downtown Specific Plan project area.

Bryan Briggs, Redevelopment/Economic Development Manager, introduced the item to Council outlining the actions that have been taken to date and the actions being requested of Council.

Bruce Brubaker, representing DCE, presented an overview of the Downtown Specific Plan project area which is comprised of approximately one hundred and twenty-one acres of residential, office and commercial uses and includes all of Downtown Ceres.

The Specific Plan was created to provide a clear framework for future development and public improvements in downtown Ceres. Through a series of meetings with community members as well as stakeholders, a list of goals was developed which include:

- Goal 1: A Sustainable Downtown
- Goal 2: An Economically Viable Downtown
- Goal 3: An Historic Downtown
- Goal 4: A Diverse and Unique Downtown
- Goal 5: A Celebrated and Vibrant Downtown
- Goal 6: A Multimodal Downtown
- Goal 7: A Safe Downtown

Mr. Brubaker discussed various design features such as parking, green features and gateway opportunities. The Specific Plan considers three primary phases of development over a fifteen year horizon to build out period. The timeframe is approximate and could be extended depending on the pace of statewide economic recovery and market conditions. Staff estimates a more realistic timeframe to be 20 – 30 years.

Should Council support the approval of the Downtown Specific Plan, the General Plan and Zoning Code must be amended to effectuate those recommendations.

8:32 Mayor Vierra Opened the Public Hearing

Those Speaking in Opposition to the Downtown Specific Plan:

- o Joe Garcia, resident
- o Len Shepherd, resident

Those Speaking in Support of the Downtown Specific Plan:

- o Derek Kantar, Sacramento

8:45 p.m. There being no one else wishing to speak, the Public Hearing was closed.

MOTION: Approve **Resolution No. 2011-02** certifying the Final Environmental Impact Report (SCH2009052051) for the Ceres Downtown Specific Plan (DSP), adopting mitigation measures, adopting a Statement of Overriding Considerations, adopting a Mitigation Monitoring and Reporting Program and authorizing filing of a Notice of Determination (NOD).

MOVED: Moved by Lane/seconded by Guillermo

VOTE: **Motion passed Unanimously (4/0)**

MOTION: Approve **Resolution No. 2011-03** approving various General Plan Map and text amendments (10-12 GPA).

MOVED: Moved by Lane/seconded by Durossette

VOTE: **Motion passed Unanimously (4/0)**

MOTION: Waive full reading and have **Ordinance No. 2010-999** read by number and title only.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed unanimously (4/0)

Mayor Vierra directed the City Clerk to read **Ordinance No. 2010-999** by number and title only.

Cindy Heidorn, City Clerk, read **Ordinance No. 2010-999** by number and title only.

MOTION: Approve **Ordinance No. 2010-999** Approving Various Zoning Code Map and Text Amendments (10-13RZ); for First Reading and Introduction.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: Motion passed unanimously (4/0)

MOTION: Approve **Resolution No. 2011-04** approving Ceres Downtown Specific Plan (10-14DSP) containing development principles and design guidelines for the Ceres Downtown Specific Plan project area.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed Unanimously (4/0)

NEW BUSINESS - None

COUNCILMEMBER REFERRALS - None

REPORTS - None

9:06 p.m. adjourned the Joint City Council/Redevelopment Agency Meeting to Closed Session.

CRA CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2936 5th Street

Negotiating parties: Art de Werk, Acting 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 Pursuant to Gov't Code Section 54956.8

CITY COUNCIL 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

Pursuant to Gov't. Code Section 54957.6

10:12 p.m. Mayor Vierra reconvened to open session with nothing to report.

10:12 p.m. There being no further business, Mayor Vierra adjourned the meeting.

Chris Vierra, Mayor

Cindy Heidorn, CMC, City Clerk