

## JOINT CITY COUNCIL/CRA MINUTES

March 14, 2011

Mayor Vierra called the City Council Meeting to Order at 7:00 p.m. with the following in attendance:

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

**INVOCATION** by Mike Brinton, Public Works Director/Assistant City Engineer

**PLEDGE OF ALLEGIANCE** to the flag led by Mayor Vierra

### PRESENTATIONS

- A. Love Ceres Event, April 2, 2011. Paula Redfern, spoke regarding the Love Ceres Service Event that will be taking place on April 2<sup>nd</sup> in Ceres and surrounding communities. Currently more than 200 people have signed up to participate.
- B. Special Presentation by Officer John King. Officer John King presented a plaque to a Mae Hensley Middle School student for his brave and heroic acts in conjunction with the accident which took place on February 9, 2011 which took the life of one student and injured three others.

**APPROVAL OF THE MINUTES** of the Regular Meeting of February 14, 2010. (all present)

**MOTION:** Approve the Minutes of February 14, 2010.

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

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

### CITIZEN COMMUNICATIONS

Len Shepherd, resident, commended the young man for his heroic actions and commented that it is youth like these that are the future of our City.

Don Donaldson, resident, commented that he would like to see a public safety clinic set up to train people on how to respond in the event of an accident during those critical first few minutes prior to the first responders arriving at the site. Mr. Donaldson also commented that he was having a conflict scheduling the Virginia Parks gym for his basketball tournament. He mentioned that there was an outside party scheduling over his all-Ceres teams even though he had scheduled his tournaments months in advance. *Acting City Manager and Deputy Chief Nicholes will meet with Mr. Donaldson to discuss train the trainer classes for CPR.*

*Council directed Mr. Donaldson to speak with Cambria regarding the matter. Council stated that the priority should be #1 – The School, since it is their gym; #2 Mr. Donaldson’s Teams; #3 Outside parties wanting to use the gyms.*

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

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

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

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

**APPOINTMENTS TO BOARDS/COMMISSIONS**

Council motion to replace former Mayor Cannella with Mayor Vierra on the Stanislaus Economic Development & Workforce Alliance Board and the Stanislaus Ceres Redevelopment Commission.

MOTION: Motion to replace former Mayor Cannella with Mayor Vierra on the Stanislaus Economic Development & Workforce Alliance Board and the Stanislaus Ceres Redevelopment Commission.

MOVED: Moved by Lane/seconded by Ochoa

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

**CONFLICT OF INTEREST DECLARATION - None****CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Rose Avenue-Smyrna Park Project Update.
  - b. February 2011 Construction Activity and Revenue Generation Report.
2. Register of Audited Demands dated February 25, 2011.
3. **Resolution No. 2011-28** authorizing the destruction of certain grant records.
4. **Resolution No. 2011-29** awarding a Consulting Services Agreement for Civil Engineering Services to Interwest Consulting Group, authorizing the Acting City Manager to execute the Agreement and approving a Budget Amendment to fund the Agreement. PULLED FOR FURTHER DISCUSSION.
5. **Resolution No. 2011-30** approving a Consultant Services Agreement with GDR Engineering Inc. to design the Mitchell Road Overlay Phase I, STPL-5241(036) and Authorizing the Acting City Manager to execute the Agreement.
6. **Resolution No. 2011-31** approving a Consultant Services Agreement with GDR Engineering, Inc. to design the Don Pedro Road and Mitchell Road Traffic Signal, CML-5241(035), and authorizing the Acting City Manager to execute the Agreement. PULLED FOR FURTHER DISCUSSION.
7. **Resolution No. 2011-32** approving a Consultant Services Agreement with TJKM Transportation Consultants to design the Don Pedro Road and Central Avenue Traffic Signal, CML-5241(034), and authorizing the Acting City Manager to execute the Agreement. PULLED FOR FURTHER DISCUSSION.
8. **Resolution No. 2011-33** approving an agreement between the Ceres Garden Club and the City of Ceres for use of the Community Center in exchange for Maintaining Live Plants within the Center.
9. **Resolution No. 2011-34** approving the creation of the Senior Parks Maintenance Worker and Senior Street Maintenance Operator job descriptions and job titles. PULLED FOR FURTHER DISCUSSION.

MOTION: Approve Consent Calendar Items 1a, 1b, 2, 3, 5 and 8 as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

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

**CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR**

4. **Resolution No. 2011-29** awarding a Consulting Services Agreement for Civil Engineering Services to Interwest Consulting Group, authorizing the Acting City Manager to execute the Agreement and approving a Budget Amendment to fund the Agreement.

Rick Rangler, representing GDR, commented that he did not receive a Bid Notice for Item No. 4 and questioned why.

Staff responded that the work required is specific to Federal programs. These projects have extensive paperwork requirements throughout the design and construction process, including monthly reporting after construction is complete. If the paperwork is not correct, the City risks rejection of the requests for reimbursement. Interwest Consulting Group possesses the skills, experience and expertise necessary to manage the Federally Funded projects so the City did not go out to bid on this item.

6. **Resolution No. 2011-31** approving a Consultant Services Agreement with GDR Engineering, Inc. to design the Don Pedro Road and Mitchell Road Traffic Signal, CML-5241(035), and authorizing the Acting City Manager to execute the Agreement.

George Silveria, resident, asked why we were putting in a traffic signal at Mitchell and Don Pedro now rather than waiting until a commercial project went in at that corner.

Staff responded that the traffic light is not part of the commercial project. Current traffic volumes warrant a traffic signal be put in now.

7. **Resolution No. 2011-32** approving a Consultant Services Agreement with TJKM Transportation Consultants to design the Don Pedro Road and Central Avenue Traffic Signal, CML-5241(034), and authorizing the Acting City Manager to execute the Agreement.

Len Shepherd, resident, asked why we were executing so many contracts for Engineering services.

Staff responded that we do not have the staff needed to move the projects along. All costs will be funded by the projects.

MOTION: Approve Resolutions No. 2011-29, 2011-31, 2011-32 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

9. **Resolution No. 2011-34** approving the creation of the Senior Parks Maintenance Worker and Senior Street Maintenance Operator job descriptions and job titles

Len Shepherd, resident, asked why we were executing so many contracts for Engineering services.

Staff responded that we do not have the staff needed to move the projects along. All costs will be funded by the projects.

MOTION: Approve **Resolutions No. 2011-29, 2011-31, 2011-32** as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

**7:50 P.M. Chairperson Vierra Opened the Redevelopment Agency Meeting with the following in attendance:**

**ROLL CALL** Boardmembers Durossette, Lane, Ochoa, Chairperson Vierra

### **UNFINISHED BUSINESS**

10. Review of current Redevelopment Agency projects, consideration and approval of additional Redevelopment Agency projects, commitment of funds for said projects, and adoption of all resolutions necessary for Agency approval and implementation.

Staff had two Items to report under this section:

10A) Approval of Resolutions by the Ceres City Council and the Ceres Redevelopment Agency approving an Amendment of the Public Improvements Grant and Cooperation Agreement executed January 21, 2011, to adopt a new EXHIBIT A – IMPROVEMENT PLAN.

Mike Lyons, City Attorney, gave a brief overview to council regarding the Amendment to the Public Improvement Grant and Cooperation Agreement which was executed at a Special meeting on January 21, 2011. After a thorough review of those projects approved at that special meeting, it is felt that most, if not all, of the project listed might be questionable expenditures of redevelopment agency funds. Further, the amount of the estimated cost of said projects would still leave the City with a substantial amount of bond proceed funds if the agency is dissolved. The balance of bond proceeds is \$18,061,000, and the tax increment fund balance is \$4,626,161.

In an effort to be certain that redevelopment funds are spent only on projects which are 100% supportable as legitimate redevelopment agency projects, and that the total revenues of the RDA are contractually committed prior to the Agency's possible dissolution, a new Exhibit A – Improvement Plan has been prepared identifying new projects.

The new plan includes just two projects:

Project 1: The Whitmore Retail Project which would be located east of Central Avenue, south of Herndon, north of Whitmore and West of CA State Highway 99. This project includes property acquisition, mobile home decommission, relocation of existing tenants, site prep and infrastructure construction and project marketing. The total project cost is anticipated to be \$5.7 million dollars funded by Agency Bonds. Completion of this project will eliminate a blighted property, prepare an underutilized area for development, encourage economic development leading to increased lease rates and greater retail variety for residents and visitors of Ceres.

Project 2: The Downtown Core Revitalization Project which is bounded by El Camino to the west, Whitmore Avenue to the north, Ninth street to the east and Park Street to the south. This project is divided into three five-year phases for a total project timeline of fifteen years. The total project will include the following elements: transportation improvements, streetscape improvements, park rehabilitation, new paseos, new public parking lots, storm drainage improvements, sewer improvements, water system improvements and project marketing efforts. The total project cost is anticipated to be \$24,700,000. Completion of this project will develop an identity for our City, improve infrastructure to accommodate increased development, attract developer interest, eliminate deterrents to and encourage private investment in downtown, provide pedestrian improvements and public amenities.

MOTION: Approve **Resolution No. 2011-35** amending the Public Improvements Grant and Cooperation Agreement with the Ceres Redevelopment Agency to Adopt a New Exhibit A Modifying the Improvement Plan to add and delete certain Public Improvement Projects

MOVED: Moved by Lane/seconded by Ochoa

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

MOTION: Approve **Resolution CRA2011-07** Amending the Public Improvement Grant and Cooperation Agreement with the City of Ceres to Adopt a New EXHIBIT A Modifying the Improvement Plan to Add and Delete Certain Public Improvement Projects.

MOVED: Moved by Lane/seconded by Durossette

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

10B) Approval of Resolutions by the Ceres City Council and the Ceres Redevelopment Agency transferring certain real property held in the name of the Redevelopment Agency to the City of Ceres.

Mike Lyons, City Attorney introduced the item to the Council/Agency stating that the Governor has proposed a budget for FY2011/12 which among other matters will abolish local redevelopment agencies upon its adoption. Under the proposed legislation a “successor agency” will wind up the affairs of the agency. The proposed legislation requires that the successor agency sell agency assets, including real property which is not necessary to meet the agency’s obligations.

The Ceres Redevelopment Agency holds legal title to six parcels of real property which have been acquired to advance the Agency’s Redevelopment Plan. To avoid the potential loss of these properties and their use for current and future planned redevelopment projects, it is necessary to transfer title of the properties to the City.

MOTION: Approve **Resolution 2011-36** approving the transfer of Real Property from the Ceres Redevelopment Agency to the City of Ceres and authorizing execution of disposition and development agreements with the Ceres Redevelopment Agency.

MOVED: Moved by Durossette/seconded by Lane

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

MOTION: Approve **Resolution CRA2011-08** Approving the transfer of real property fro the Agency to the City of Ceres and authorizing Execution of disposition and development agreements with the City of Ceres.

MOVED: Moved by Durossette/seconded by Lane

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

**PUBLIC HEARING** – None.

## **NEW BUSINESS**

11. **Resolution No. 2011-37** approving an Increase to the contingency on the existing Measurement Control Systems Contract for meter installation by \$150,000.00.

Mike Brinton, Public Works Director/Assistant City Engineer, addressed Council stating that Measurement Control Systems (MCS) was awarded the contract to install meters and/or registers. MCS provided prices for various installation options, including a simple meter replacement in an existing meter box, to a more costly installation of a new meter and box in a dirt or concreted area.

The percentage of more expensive installations is higher than originally determined by Triton Water Technologies. MCS has agreed to maintain their current unit pricing for the additional installations. MCS additional estimated installation cost is \$110,000.00. Staff recommends allocating \$150,000.00 to the installation contract contingency too avoid returning to Council for last minute issues that may arise. Funds for this additional work are available in the metering project.

Council requested confirmation that the money is available in the project and this is just a transfer of funds.

Staff confirmed that they are not requesting additional funding for the project.

Council asked when the mock billing and live billing would begin.

Staff responded that the goal for the mock billing is April with the metered billing going live in September.

*Council requested a Study Session to discuss the start date of the live meter billing.*

**MOTION:** Approve **Resolution No. 2011-37** as recommended by staff.

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

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

12. Council discussion of and determination of continued participation in the City's the Tuolumne River Regional Park Joint Powers Authority (TRRP JPA).

Mike Lyons, City Attorney presented a brief staff report. Mr. Lyons stated that given the current budgetary crisis, it has been suggested that the City consider terminating its partnership with the County and the City of Modesto regarding the Tuolumne River Regional Park, and eliminate its obligation to make annual contributions to the City of Modesto for Park purposes.

The Council needs to decide whether or not it wishes to continue its participation as a party to the TRRP JPA. Matters to be considered include:

- Discontinuing its participation would end the obligation to make annual contributions.
- The council would, however be giving up any voice it may have in the development and operation of the Park after many years of participation
- Short term benefits of ending the financial burden vs. long term benefits the regional park may have for the citizens of Ceres.

Len Shepherd, resident, addressed Council as a member of the TRRP Citizen's Advisory Committee, and urged Council to continue their membership on the JPA.

Council unanimously voiced their support for the Tuolumne River Regional Park Joint Powers Authority and felt that the benefits of the park far outweighed any cost to the City.

**MOTION:** Continue Participation in the Tuolumne River Regional Park Joint Powers Authority JPA and come back with a Budget Amendment for the Annual Payment.

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

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

**COUNCILMEMBER REFERRALS – None**

**REPORTS**

Supervisor De Martini gave an update on the County's recent actions regarding a letter they have written to the StanCERA Board requesting that the Board use \$12.6 million that remains in the non-vested benefit reserve funds to mitigate the County's retirement costs for FY2011/12 and requested the City write and deliver a similar letter to the Board. Supervisor DeMartini stated that the savings to the City of Ceres would be approximately \$600,000 for FY2011/12. The next StanCERA Board Meeting is set for March 22, 2011.

8:25 P.M. There being no further business, Mayor/Chairperson Vierra adjourned the City Council and Redevelopment Agency Meetings.

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Chris Vierra, Mayor/Chairperson

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Cindy Heidorn, City Clerk/  
Secretary