

CITY COUNCIL MINUTES

August 8, 2011

Mayor Vierra called the August 8, 2011 City Council Meeting to order at 7:04 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

CITIZEN COMMUNICATIONS – None.

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

MOTION: Approval of the Agenda as posted (or amended) 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. Use of Contingency on Capital Improvement Projects for FY2010/11.
2. Register of Audited Demands for period covering July 15 – 25, 2011.
3. **Resolution No. 2011-106** authorizing the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2022.
4. **Resolution No. 2011-107** approving a contract with Mario's Tree Service in an amount not to exceed \$100,000.00 annually for the City's tree maintenance and authorizing the Acting City Manager to execute said contract. **PULLED FOR FURTHER DISCUSSION.**
5. **Resolution No. 2011-108** approving a Lot Line Adjustment application for Wildeman and Simile, LLC. and Argel Arroyo to consolidate two properties into one parcel located at the northwest corner of Hatch Road and Central Avenue.
6. Waive Second Reading and Adopt **Ordinance No. 2011-1002**, Amending Title 13, Chapter 13.04, Section 13.04.130(G) to further define acts which constitute tampering with City water meters and making account holders responsible for charges associated with tampering.
7. Waive Second Reading and Adopt **Ordinance 2011-1003** establishing the prima facie speed limit on various streets in the City of Ceres. **PULLED FOR FURTHER DISCUSSION.**

8. **Resolution No. 2011-109** approving an agreement for the provision of one Ceres Police Officer/School Resource Officer (SRO) to provide law enforcement services, expertise and training for the Ceres Unified School District, and authorizing the Acting City Manager or designee, to execute the agreement.
9. **Resolution No. 2011-110** authorizing the Acting City Manager to apply for a low interest energy efficiency loan from the California Energy Commission for the Energy Saving LED Street Light Project and making the finding that the project funded by the loan is exempt under CEQA Section 15302(c) Replacement or Reconstruction.
10. **Resolution 2011-111** making certain findings to fund the Barbour's Sewer Pump Station and Sewer Line Force Main Conversion Project. PULLED FOR FURTHER DISCUSSION.

MOTION: Approve Consent Calendar items 1a, 2, 3, 5, 6, 8 and 9 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed unanimously. (4/0)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

4. **Resolution No. 2011-107** approving a contract with Mario's Tree Service in an amount not to exceed \$100,000.00 annually for the City's tree maintenance and authorizing the Acting City Manager to execute said contract.

Mayor Vierra pulled the item and asked staff for a breakdown of the costs.

Staff responded that the contract amount for actual tree trimming services was \$57,737.30. With the additional budgeted funding, staff is going to have some much needed additional tree trimming services done.

Council requested that the Resolution be amended to reflect only the amount for the tree trimming services and to bring back the additional services requested at a later date.

MOTION: Approve **Resolution No. 2011-107** approving a contract with Mario's Tree Service in amount not to exceed \$57,737.30 annually for the City's tree maintenance and authorizing the Acting City Manager to execute said contract.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed unanimously. (4/0)

7. Waive Second Reading and Adopt **Ordinance 2011-1003** establishing the prima facie speed limit on various streets in the City of Ceres.

Hugo Molina, resident, asked if additional street would be surveyed.

Staff responded that additional roads to be studied and other traffic calming measures will be discussed in an upcoming Study Session but a date has not yet been set.

MOTION: Waive Second Reading and Adopt **Ordinance 2011-1003** establishing the prima facie speed limit on various streets in the City of Ceres

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed unanimously. (4/0)

11. **Resolution No. 2011-111** making certain findings to fund the Barbour's sewer Pump Station and Sewer Line Force Main Conversion Project.

George Silveria, resident, asked if the money to fund the project came from the water and sewer bonds.

Staff responded that the money was not from the water and sewer bonds but from other Redevelopment funds.

MOTION: Approve **Resolution No. 2011-111** as recommended by staff.

MOVED: Moved by Ochoa/seconded by Ochoa

VOTE: **Motion passed unanimously. (4/0)**

UNFINISHED BUSINESS - None

PUBLIC HEARING

12. Public Hearing to consider **Resolution No. 2011-112** amending Resolution No. 2006-132 to adopt a new schedule of fees and charges for Planning, Engineering, Fire and Police that will more accurately reflect the reasonable cost of providing certain City Services.

Tom Westbrook, Planning/Building/Housing Division Manager presented the staff report to Council stating that at the City Council Study Session of May 9, 2011, the Council was presented with a report from staff regarding the potential increase in certain user fees and charges. The council agreed that user fees and charges should be increased to more accurately reflect the recovery cost associated with processing of development applications and other related services that the City provides to our customers and residents. No changes have been made since the May 9, 2011 meeting.

Mr. Westbrook further noted that the User Fee update is completely separate from the City's Public Facility Fees. User Fees are fees for services provided by City staff, such as processing of an entitlement application, plan checking a subdivision map, completing a fire inspection or performing a background check. Public Facility Fees are fees that are paid prior to construction of any residential, commercial or industrial building and those fees pay for impacts those facilities will have on services that the City provides such as water, sewer, parks and roads. Therefore, the User Fees proposed for adoption will have no affect on the City's existing Public Facility Fees.

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. 2011-112** as recommended by staff.

MOVED: Moved by Ochoa/seconded by Ochoa

VOTE: **Motion passed unanimously. (4/0)**

13. Public Hearing to consider **Resolution No. 2011-113** amending Resolution No. 2002-83 Schedule of Fees and Services Section III, Leisure and Cultural Services to adopt a new schedule of Fees and Charges for City Facility and Park Rental Rates.

Staff requested this item be continued to the meeting of September 12, 2011.

7:33 The Public Hearing was opened.

7:33 There being no one wishing to speak, the Public Hearing was closed.

MOTION: Motion to continue the item to the meeting of September 12, 2011.

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion passed unanimously. (4/0)

NEW BUSINESS

14. **Resolution No. 2011-114** approving a Memorandum of Understanding (MOU) with the Cities of Ceres, Hughson, Modesto and Turlock related to development of the East Stanislaus Integrated Regional Water Management Partnership, and authorizing the Acting City Manager or his designee, to execute the MOU.

Mike Brinton, Public Works Director presented the staff report stating that in order to be eligible to receive Proposition 84 Grant Fund Planning and Implementation monies and Proposition IE (flood control) monies for a variety of potential water resources projects, the agencies seeking funds must be part of an Integrated Water Management Region (Region) that has been accepted by the Department of Water Resources (DWR). The Region must also have developed an Integrated Regional Water Management Plan (IRWMP).

On June 14, 2010 the City Council, by Resolution No. 2010 -70 approved a Cost Sharing Agreement with Hughson, Modesto and Turlock (Partnership) for the development of an IRWMP that includes, among other things, the formation of a recognized Region for state grant eligibility, development of a governance structure, conducting an outreach program with public workshops, and submittal of a Regional Acceptance Process (RAP) Application to DWR.

In April of 2011, the City of Modesto, as the lead agency representing the Partnership, submitted a RAP Application to DWR (the formal process to request recognition as a Region), and in June of 2011, staff from the agencies representing the Partnership met with a DWR panel for a follow-up application interview. On July 22, 2011, DWR announced its preliminary decision to formally recognize the East Stanislaus Region.

The proposed MOU established a collaborative partnership between the participating agencies. It also provides for coordinating interagency efforts through a governance structure or committees with agency and public representation that will provide direction in developing the IRWMP, applying for planning grants, and seeking implementation grant funding for various water resources projects.

The cities of Hughson, Modesto and Turlock are currently seeking approval of the MOU from their respective City Councils to formalize the Partnership as the governing body to oversee the East Stanislaus Integrated Regional Water Management Partnership. As part of the Partnership, each city will need to appoint two Council members as members of the Management Group (Steering Committee). One should be appointed as the primary member and the other as an alternate.

After some discussion, Council suggested that Mayor Vierra be the primary member on the Steering Committee with Councilmember Durossette as the Alternate.

MOTION: Approve Resolution No. 2011-114 as recommended by staff and appoint Mayor Vierra as the primary member of the Management Group and Councilmember Durossette as the Alternate.

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion passed unanimously. (4/0)

15. **Ordinance No. 2011-1004** Urgency Ordinance electing to participate in the alternative voluntary redevelopment program pursuant to California Health and Safety Code Sections 34912, et seq. (ABX1 27) subject to certain conditions and reservations.

Bryan Briggs, Economic Development/Redevelopment Manager introduced the staff report. Mr. Briggs explained that on June 28, 2011 the California State Legislature enacted ABX1 26, immediately prohibiting further redevelopment activity by redevelopment agencies and dissolving all redevelopment agencies in the State of California on October 1, 2011. At the same time, the Legislature enacted ABX1 27 providing communities the opportunity to continue redevelopment activity through their local redevelopment agencies by electing to participate in the “Alternative Voluntary Redevelopment Program”.

Participation in the Alternative Voluntary Redevelopment Program will require the City to agree to pay approximately \$1,740,570 in Fiscal Year 2011/12 and \$409,546 each fiscal year thereafter for the life of the Redevelopment Project Area. Staff believes that the Agency will have sufficient revenue to make the annual payments required by ABX1 27 and still remain a functional redevelopment agency although it will function at a significantly reduced capacity. Staff also feels it is important to keep the Agency functioning so that its current bond proceeds may be used to complete on-going projects, and the residual tax increment may be used for other projects.

Council asked if they did approve the Ordinance would it have any affect on the lawsuit currently being filed by the California Redevelopment Association.

Staff stated that the approval of the Ordinance would have no affect on the lawsuit.

MOTION: Motion to adopt **Urgency Ordinance No. 2011-1004** electing to participate in the alternative voluntary redevelopment program pursuant to California Health and Safety Code Sections 34912, et seq. ABX1 27 subject to certain conditions and reservations.

MOVED: Moved by Durossette/seconded by Lane

VOTE: **Motion passed unanimously. (4/0)**

COUNCILMEMBER REFERRALS

REPORTS – None.

7:45 p.m. There being no further business, Mayor Vierra adjourned the Meeting to the meeting of the Ceres Redevelopment Agency.

Chris Vierra, Mayor

Cindy Heidorn, CMC
City Clerk