

## CITY COUNCIL MINUTES

**October 10, 2011**

Mayor Vierra called the October 10, 2011 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, City of Ceres

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

**APPROVAL OF THE MINUTES** of the regular meeting of August 22, 2011.

**MOTION:** Approve the minutes of the regular meeting of August 22, 2011.

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

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

### CITIZEN COMMUNICATIONS

- Linda Pitman, resident, complained about the noise coming from the Whitmore Mansion when they have amplified musical events and demanded that action be taken to stop them from having amplified musical events. She requested a Council Meeting to discuss the issue.

The City Attorney advised the City Council that it would be inappropriate for the City Council to hold a Study Session. The Planning Commission issued a Conditional Use Permit (CUP) to the Whitmore Mansion. The (CUP) allows for amplified music up to 70 dBA. According to readings done by the owners of the Whitmore Mansion, they are within the 70 dBA range. If Ms. Pitman wants a change to the CUP, it would have to be done by the Planning Commission.

Mayor Vierra recommended, pursuant to the City Attorney's advice, that Council take no action on the issue.

- Emma Jacobs, resident, addressed Council regarding problems she is having with her utility bill.
- Don Donaldson, resident, complained that he feels there is too much gang activity in town. He further complained that curbs are not marked around fire hydrants so people don't really know how far away they should park.

Staff responded that it would be cost prohibitive to paint every curb around every fire hydrant and try to maintain it. The Vehicle Code has no such requirement. The Vehicle Code states that no one should park 7-1/2 feet on either side of a fire hydrant.

Council recommended that perhaps we could give a warning first prior to issuing a ticket.

Deputy Chief Mike Borges, gave a brief update on the recent arrest carried out by the Street Crimes Gang Unit.

- Len Shepherd, resident, spoke about the California Fallen Firefighter Memorial in Sacramento and requested that Council declare October of each year "Fallen Fire Fighter Month in the City of Ceres" beginning 2012.

Council concurred.

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

MOTION: Approve the minutes of the regular meeting of August 22, 2011.

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. Register of Audited Demands for period covering September 14 – October 3, 2011.
2. Set Public Hearing date of October 24, 2011 to consider a proposed Zoning Ordinance Text Amendment (11-02 ZOTA) for the modification of various definitions listed in the City of Ceres Zoning Ordinance.
3. Set Public Hearing date of October 24, 2011 to consider the Planning Commission recommendation for the creation of Agricultural Preservation Boundaries to year 2050 that will be included in a countywide effort that includes all nine Cities and Stanislaus County.
4. **Resolution No. 2011-136** approving a Retainer Consulting Services Agreement for Engineering Services to Interwest Consulting Group, Authorize the Acting City Manager to Execute the Agreement. PULLED FOR FURTHER DISCUSSION.
5. **Resolution No. 2011-137** approving the Application for Grant Funds for the California River Parkways Grant Program under Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).
6. **Resolution No. 2011-138** approving a Purchase Order in the amount of \$49,500.42 to Energy Solutions, LLC, for the disposal of Uranium Waste from two City Wells.

MOTION: Approve Consent Calendar Items 1-3, 5 and 6 as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

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

4. **Resolution No. 2011-136** approving a Retainer Consulting Services Agreement for Engineering Services to Interwest Consulting Group, Authorize the Acting City Manager to Execute the Agreement

- Len Shepherd, resident, pulled the item and requested more information.

Staff responded that the current Capital Improvement Program (CIP) and other major projects continue to provide more than enough work for the engineering Services Department. City has been using Interwest Consulting Group since March 2011 for special federally funded projects require a significant allocation of the already limited staff time. Currently, staff is managing the design, construction, and close out of over \$3.0 million in federally funded projects, in addition to the other

CIP and major projects. Interwest has also demonstrated expertise in dealing with StanCOG and the application for grants related to other specialty projects such as the Safe-Routes-to-School and other grants. In order to be able to respond to the requirements of these grants, it is extremely valuable to have a resource already under contract in order to respond quickly.

MOTION: Approve Consent Calendar Items 1-3, 5 and 6 as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

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

**UNFINISHED BUSINESS** – None.

## **PUBLIC HEARING**

7. Public Hearing to consider **Resolution No. 2011-139** accepting Director of Public Safety Recommendation for Fiscal Year 2011-12 Supplemental Law Enforcement Services Fund Expenditures and, following acceptance, **Resolution No. 2011-140** approving a Fiscal Year 2011-12 Budget Amendment to Appropriate 2011/12 Supplemental Law Enforcement Services Funds.

Sheila Cumberland, Deputy City Manager introduced the item stating that this is an on-going supplemental grant. As a requirement of funding, a Public Hearing must be held to consider and determine the use of funds, as presented by the Director of Public Safety. Approximately 40% of the State's allocation goes to the counties and cities within for front line law enforcement services. Based on population, this grant provides a minimum of \$100,000 each fiscal year; the City has received the standard allocation each year.

7:52 p.m. Mayor Vierra opened the Public Hearing

Len Shepherd, resident, asked what the grant funds would be used for.

Ms. Cumberland responded that the \$100,000 would be used for a front-line officer hired under the Federal COPS grant.

7:55 p.m. There being no one else wishing to speak, Mayor Vierra closed the Public Hearing

MOTION: Approve **Resolution No. 2011-139** and **Resolution No. 2011-140** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

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

## **NEW BUSINESS**

8. **Ordinance No. 2011-1005** amending Title 13, Chapters 13.04, Water Systems and 13.12, Sewer System to make the Water and Sewer Code Provisions consistent with the change of Water Service Billing from a Flat Rate to a Meter Based Rate and to make other Miscellaneous Amendments.

Mike Lyons, City Attorney, presented a brief staff report to Council explaining that an amendment is necessary to provide consistency between the Municipal Code and utility billing administration, and generally update the ordinance to be consistent with current procedures and policies

*Mayor Vierra requested a discussion at a future date to review the City's watering day requirements.*

**MOTION:** Waive First Reading and have **Ordinance No. 2011-1005** read by title only.

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

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

Mayor Vierra directed the Clerk to read **Ordinance No. 2011-1005** by Title Only

City Clerk read the title into the record as follows:

“**Ordinance No. 2011-1005**, an Ordinance of the City Council of the City of Ceres, amending Title 13, Chapters 13.04, Water Systems and 13.12, Sewer System to make the Water and Sewer Code Provisions consistent with the change of Water Service Billing from a Flat Rate to a Meter Based Rate and to make other Miscellaneous Amendments”

**MOTION:** Approve for First Reading and Introduction **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.

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

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

9. **Resolution No. 2011-141** approving a change in the City’s water billing practice and delaying the December water billing until January for the start of metered billing.

Sheila Cumberland, Deputy City Manager, addressed Council stating that in order to comply with the State mandate for meter water billing, the City’s goal is to switch only water to an in-arrears billing. Garbage and Sewer service would still be billed in advance. In order to convert from an in-advance to an in-arrears billing system, the City must forego one month’s water revenue in FY 2011/12. The water billing for December will be delayed until January.

The city has adequate reserves in its Water Enterprise Fund to absorb the reduction in revenue in the current fiscal year.

The City’s Water Enterprise Fund and obligations to bond holders will not be adversely affected by the proposed change.

Council commented that we should make sure we make the citizen’s aware this is happening.

Ms. Cumberland responded that we are noticing the citizen’s on every billing between now and the end of the year.

**MOTION:** Approve **Resolution No. 2011-141** as recommended by staff.

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

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

**COUNCIL REFERRALS** – None

**REPORTS** – None.

8:12 p.m. Mayor Vierra adjourned the City Council Meeting to Closed Session.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

*Pursuant to Gov't Code 54956.9*

Name of Case: Sipple v. City of Alameda, et al., L.A. County Superior Court Case No. BC462270

8:37 p.m. Mayor Vierra Reconvened the meeting in open session with nothing to report

8:37 p.m. Mayor Vierra there being no further business, Mayor Vierra adjourned the City Council Meeting.

/s/ Chris Vierra, Mayor

/s/ Cindy Heidorn, CMC, City Clerk