

CITY COUNCIL MINUTES

July 11, 2011

Mayor Vierra called the July 11, 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 Michael Brinton, City of Ceres

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

PRESENTATION

A. Proclamation Designating July, 2011 Park and Recreation Month in the City of Ceres.

Traci Farris, thanked Council for their support and presented Council and Staff with Recreation T-shirts.

B. Father Pepe, Catholic Church

Councilmember Ochoa presented a plaque to Father Pepe who will be leaving Ceres to serve in South America.

CITIZEN COMMUNICATIONS – None.

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

Council requested that Item No. 11 be heard immediately following the “appointments to boards/commission”

MOTION: Approve the Agenda as posted or amended and certification of posting.

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion passed unanimously. (4/0)

APPOINTMENTS TO BOARDS/COMMISSIONS - None.

11. Public Hearing – to consider an appeal from Citizens for Ceres regarding the Planning Commission approval of a Conditional Use Permit (07-31 CUP) and Vesting Tentative Subdivision Map (VTSM 07-32) for the Mitchell Ranch Center project located at the northwest corner of Mitchell and Service Roads. (T. Westbrook) *On July 6, 2011, staff received a letter from the Mitchell Ranch Center applicant requesting a continuance of the scheduled meeting. Continuance of the item is at the discretion of the City Council, and this item will be considered at their meeting on July 11, 2011.*

- Sherry Jacobson, resident, commented that she was surprised that Walmart was not ready to present their item this evening. She expressed her concern regarding the re-use of the building Walmart will vacate should the new project be approved.
- Rick Rushton, resident, feels the continuance should not be granted. Also expressed his concern with the re-use of the old Walmart site.

MOTION: Continue Item 11 to the meeting of August 22, 2011 at 5:30 p.m. as requested by the applicant.

MOVED: Moved by Durossette/seconded by Lane

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

CONFLICT OF INTEREST DECLARATION – None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. IT Department Monthly Report for April & May, 2011.
 - b. Major Project List Update dated 06/29/11.
2. Register of Audited Demands for period covering June 17 – 30, 2011.
3. Waive Second Reading and adopt **Ordinance No. 2011-1001** to adopt a prezone of the West Landing Specific Plan area to change the zone designation from prezone-General Industrial (P, M-2), Community Facilities (P, C-F) and unzoned to planned community (P, P-C) area bounded by the Union Pacific Railroad Right-of-Way, Service Road, Ustick Road, and Whitmore Avenue.
4. **Resolution No. 2011-88** approving the purchase of testing equipment for respirator fit testing to bring the City into compliance with State mandates regarding Aerosol Transmissible Disease (ATD) exposure and amending the FY 2011/12 Budget to appropriate funds.
5. **Resolution No. 2011-89** approving a contract with Coplink in the amount of \$58,409.50 for crime analysis software and authorizing the Acting City Manager to execute the Contract.
6. **Resolution No. 2011-90** awarding the construction contract for the Whitmore Avenue Overlay and Rehabilitation, Central Avenue to Moore Road, STPL-5241 (029 & 033) to DSS Company, dba Knife River Construction, authorizing a 10% contingency, authorizing the City Manager to execute the contract and amending the FY 2011/12 Budget to appropriate funds. PULLED FOR FURTHER DISCUSSION.
7. **Resolution No. 2011-91** declaring its intention to levy and collect assessments for the 1987 Landscape and Lighting District for FY 2011/12 and setting the date of July 25, 2011 for a Public Hearing for hearing protests in relation thereto.
8. **Resolution No. 2011-92** awarding the construction contract for the Whitmore Avenue Miscellaneous Water Improvements Project to Allen A. Waggoner Construction, Inc., authorizing a 15% contingency; authorizing the Acting City Manager to execute the contract and amending the FY 2011/12 Budget to appropriate funds. PULLED FOR FURTHER DISCUSSION.
9. **Resolution No. 2011-93** approving FY 2010/11 Carryover of Capital Improvement Project Appropriations to the FY 2011/12 Budget. PULLED FOR FURTHER DISCUSSION.
10. **Resolution No. 2011-94** authorizing application to the U.S. Department of Justice, Bureau of Justice Assistance for a *2011 Edward Byrne Memorial Justice Assistance Grant (JAG)*.

MOTION: Approve Consent Calendar Items No. 1a, b, 2-5, 7 and 10 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

6. **Resolution No. 2011-90** awarding the construction contract for the Whitmore Avenue Overlay and Rehabilitation, Central Avenue to Moore Road, STPL-5241 (029 & 033) to DSS Company, dba Knife River Construction, authorizing a 10% contingency, authorizing the City Manager to execute the contract and amending the FY 2011/12 Budget to appropriate funds.

Mike Kline, resident, asked for clarification on the item title.

MOTION: Approve **Resolution No. 2011-90** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed unanimously. (4/0)

8. **Resolution No. 2011-92** awarding the construction contract for the Whitmore Avenue Miscellaneous Water Improvements Project to Allen A. Waggoner Construction, Inc., authorizing a 15% contingency; authorizing the Acting City Manager to execute the contract and amending the FY 2011/12 Budget to appropriate funds.

Councilmember Durossette asked why this item had a 15% contingency instead of the usual 10% contingency.

Michael Brinton, Public Works Director, stated that a 15% Contingency is being requested because it is anticipated that additional work will be required because of the age of the water main in Whitmore Avenue and time constraints will not allow staff to return to the City Council for additional funds due to the Whitmore Avenue Overlay project schedule.

Council requested a report to include: The number of contracts we have had in the past year, how many went above the contracted amount and what percentage of the contingency was spent on each one.

MOTION: Approve **Resolution No. 2011-92** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed unanimously. (4/0)

9. **Resolution No. 2011-93** approving FY 2010/11 Carryover of Capital Improvement Project Appropriations to the FY 2011/12 Budget.

Councilmember Ochoa asked if any of the CIP projects were affected by the actions taken in Sacramento.

Interim Deputy City Manager, Sheila Cumberland responded that the projects affected as a result of State Action are future projects. These projects have all been started so they are not affected.

MOTION: Approve **Resolution No. 2011-93** as recommended by staff.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed unanimously. (4/0)

UNFINISHED BUSINESS – None.

PUBLIC HEARING

11. Public Hearing – to consider an appeal from Citizens for Ceres regarding the Planning Commission approval of a Conditional Use Permit (07-31 CUP) and Vesting Tentative Subdivision Map (VTSM 07-32) for the Mitchell Ranch Center project located at the northwest corner of Mitchell and Service Roads. (T. Westbrook) *On July 6, 2011, staff received a letter from the Mitchell Ranch Center applicant requesting a continuance of the scheduled meeting. Continuance of the item is at the discretion of the City Council, and this item will be considered at their meeting on July 11, 2011.*

Item moved to beginning of meeting immediately after Appointments to Boards and Commissions.

NEW BUSINESS

12. Council designation of a voting delegate and alternate(s) to represent the City of Ceres at the Annual League of California Cities Conference, September 21-24, 2011.

MOTION: Designate Councilmember Lane and the Voting Delegate and Councilmember Ochoa as the Alternate with Mayor Vierra as Alternate No. 2

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion passed unanimously. (4/0)

6:08 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

6:12 p.m. RECONVENE AS CITY COUNCIL

COUNCILMEMBER REFERRALS

Follow Up: *Council requested a report to include: The number of contracts we have had in the past year, how many went above the contracted amount and what percentage of the contingency was spent on each one.*

REPORTS

Council and Staff reported on various activities including the wrestling event which took place at the Ceres River Bluff Regional Park on July 9, 2011.

There being no further business, Mayor Vierra adjourned the meeting at 6:20 p.m.

Chris Vierra, Mayor

Cindy Heidorn, CMC
City Clerk