

CITY COUNCIL MINUTES

November 28, 2011

Vice Mayor Lane called the November 28, 2011 meeting to order at 7:00 p.m. with the following in attendance:

ROLL CALL Council Members Durossette, Lane, Ochoa

EXCUSED Mayor Vierra

INVOCATION by Pastor Adrian Condit, Village Chapel Free Will Baptist Church

PLEDGE OF ALLEGIANCE to the flag led by Vice Mayor Lane

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, spoke about added fire dangers during the holiday season. Mr. Shepherd urged everyone to be careful and safe.

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

MOTION: Approve the agenda as posted (or amended) and certification of posting.

MOVED: Moved by Ochoa/seconded by Durossette

VOTE: **Motion passed with Mayor Vierra absent. (3/0/1)**

APPOINTMENTS TO BOARDS/COMMISSIONS - None

CONFLICT OF INTEREST DECLARATION

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Monthly Report for October 2011.
 - b. Recreation Division Monthly Report for October 2011.
2. Register of Audited Demands for period covering November 4 – 17, 2011.
3. Cancellation of the December 27, 2011 City Council Meeting.
4. Waive Second Reading and adopt **Ordinance No. 2011-1007** Amending Title 1, Chapter 1.24, Section 1.24.020 of the Ceres Municipal Code to Clarify the Types of Claims which must be presented.
5. **Resolution No. 2011-162** approving a purchase of a Public Works, Water Conservation Officer Truck from Downtown Ford Sales. *Pulled for further discussion by Vice Mayor Lane.*
6. **Resolution No. 2011-163** approving a purchase of a Public Works, Fleet Utility Truck from Downtown Ford Sales. *Pulled for further discussion by Vice Mayor Lane.*
7. **Resolution No. 2011-164** approving a purchase of a Public Works, Streets Utility Truck from Downtown Ford Sales. *Pulled for further discussion by Vice Mayor Lane.*

8. **Resolution No. 2011-165** accepting the River Bluff Regional Park Development Project as Complete, Approving the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
9. **Resolution No. 2011-166** approving an amendment to the Consultant Services Agreement with TJKM Transportation Consultants to add construction staking services which were not included in the original scope of the project.
10. **Resolution No. 2011-167** approving a Lot Line Adjustment application for West America Bank at 1360 and 1384 Mitchell Road, Modesto, CA 95351.

MOTION: Approve Consent Calendar Items 1a, 1b, 2-4 and 8-10

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: Motion passed with Mayor Vierra absent. (3/0/1)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Vice Mayor Lane discussed pulled items 5, 6 and 7 together. He requested the items be pulled from the agenda until staff could check with the local Ford Dealer to see if he could provide the trucks for the same price. The remainder of the Council concurred with his request.

MOTION: Remove Items 5, 6 and 7 to provide staff time to negotiate with Country Ford, Ceres and bring items back in the future.

MOVED: Moved by Ochoa/seconded by Durossette

VOTE: Motion passed with Mayor Vierra absent. (3/0/1)

UNFINISHED BUSINESS - None

PUBLIC HEARING

11. Public Hearing to consider **Resolution No. 2011-168** approving the Execution of the Ceres Freeway Agreement with the State of California Department of Transportation.

Toby Wells, Engineering Director/City Engineer stated that the State of California and the City of Ceres entered into a Freeway Agreement on November 12, 1956 relating to a portion of State Highway Route 99 through the City of Ceres. Additionally, the State also entered into a similar Freeway Agreement with Stanislaus County for portions of State Highway Route 99 that was within County jurisdiction on August 13, 1956 and December 12, 1967.

Since the execution of these Agreements, the City of Ceres annexed certain areas including areas covered by the previously executed County agreements. With the completion of the Whitmore Interchange project, the previously executed agreements are now proposed to be consolidated into one updated agreement to reflect the current State Highway Route 99 configuration through the City of Ceres.

In accordance with provisions of the California Street and Highway Code Section 100.22, a Public Hearing is required to consider the execution of the Freeway Agreement.

7:17 p.m. Vice Mayor Lane opened the Public Hearing.

7:17 p.m. There being no one wishing to speak, Vice Mayor Lane closed the Public Hearing.

MOTION: Approve **Resolution No. 2011-168** approving the execution of the Ceres Freeway Agreement with the State of California Department of Transportation.

MOVED: Moved by Durossette/seconded by Ochoa

VOTE: **Motion passed with Mayor Vierra absent. (3/0/1)**

NEW BUSINESS

12. Christmas Decoration Assessment and Council Direction.

Michael Riddell, Public Works Superintendent, addressed Council stating that at the November 14 council meeting, Council directed staff to make an assessment of the costs associated with the installation of the City Christmas decorations at the intersection of 9th Street and Whitmore Avenue and the intersection of Mitchell Road and Whitmore Avenue.

Mr. Riddell further stated that the estimated cost would \$1,711.08 including any staff time and equipment rental.

Council directed staff to put up the lights as soon as possible and take them down the Week of January 9, 2012.

COUNCILMEMBER REFERRALS - None

REPORTS

Council and staff reported on various City activities including the upcoming opening of Christmas Tree Lane on December 3, 2011 and the resignation of Michael Riddell, Public Works Superintendent whose last day of work will be December 9, 2011.

There being no further business Vice Mayor Lane adjourned the meeting at 7:32 p.m.

/s/ Chris Vierra, Mayor

/s/ Cindy Heidorn, City Clerk