

# CITY COUNCIL MINUTES

**February 13, 2012**

Vice Mayor Lane called the February 13, 2012 City Council Meeting to order with the following in attendance:

**ROLL CALL** Council Members Ingwerson, Kline, Vice Mayor Lane

**EXCUSED** Council Member Durossette, Mayor Vierra

**INVOCATION** by Len Shepherd, resident.

**PLEDGE OF ALLEGIANCE** to the flag led by Vice Mayor Lane

**APPROVAL OF THE MINUTES** of the regular meetings of January 9 and January 23, 2012.

**MOTION:** Approve the minutes of the regular meetings of January 9 and January 23, 2012.

**MOVED:** Moved by Ingwerson/seconded by Kline

**VOTE:** **Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

## CITIZEN COMMUNICATIONS

- Len Shepherd, resident, commented on the uniform item from the last meeting stating that he did not realize it was a Health and Safety Issue and would not have pulled the item if he had know.
- Frank Johnson representing the NAACP, presented a plaque to Council and thanked them for their awareness and recognition of cultural diversities.
- George Silvera, resident, requested an update on the previous issue of dying trees in the Eastgate Subdivision and passed on a request from former Councilmember Ochoa that the park in Eastgate be named after former Councilmember Rob Phipps who passed away in 2007.

## 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 Kline/seconded by Ingwerson

**VOTE:** **Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

**APPOINTMENTS TO BOARDS/COMMISSIONS** – None.

**CONFLICT OF INTEREST DECLARATION** – None.

## CONSENT CALENDAR

1. General Correspondence – **Information Only**
  - a. Public Works Monthly Report for December, 2011.
  - b. Recreation Department Monthly Report for December, 2011.
  - c. Building Department Monthly Report for December, 2011.

2. Register of Audited Demands for period covering January 19, 2012 – February 2, 2012.
3. **Resolution No. 2012-14** approval to waive the 90-day notice requirement and accept the Relinquishment of Portions of City of Ceres Roadways per California Department of Transportation (Caltrans) proposed Relinquishment No. 16502 for the Whitmore Avenue Overcrossing Project.
4. **Resolution No. 2012-15** authorizing acceptance of State of California, Office of Traffic Safety, Sobriety Checkpoint Program Min-Grant and approving a Fiscal Year 2011/12 Budget Amendment to appropriate those funds. PULLED FOR FURTHER DISCUSSION.
5. **Resolution No. 2012-16** approving a Lot Line Adjustment application for the Turlock Irrigation District (TID) to consolidate three properties into one parcel located at 4500 Crows Landing Road (just east of the Winco Distribution Center, near the northwest corner of where TID Lateral No. 2 and the Union Pacific Railroad meet, and north of the existing Almond Power Plant).
6. **Resolution No. 2012-17** awarding the Purchase of Bus Shelters and Solar Lighting Retrofits to Tolar Manufacturing, Inc. in the amount of \$50,757.42 and authorizing the Acting City Manager to execute the contract. PULLED FOR FURTHER DISCUSSION.
7. **Resolution No. 2012-18** accepting the Whitmore Overlay Project – Phase I & II, Central to Ceres Main Canal, STPL-5241(029) & (033) as complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
8. **Resolution No. 2012-19** approving an All-Way Stop Sign Installation at the intersection of Roeding Road and Moore Road, and allowing the County of Stanislaus to furnish materials and installation. PULLED FOR FURTHER DISCUSSION.
9. **Resolution No. 2012-20** authorizing application to the California Integrated Waste Management Board for a FY 2011/12 Local Government Waste Tire Cleanup and Amnesty Event Grant.
10. **Resolution No. 2012-21** authorizing an application to the Department of Homeland Security for a SAFER Grant for the addition of Firefighter staffing. PULLED FOR FURTHER DISCUSSION.

MOTION: Approve Consent Calendar Items 1a, 1b, 1c, 2, 3, 5, 7 and 9 as recommended by staff.

MOVED: Moved by Ingwerson/seconded by Kline

**VOTE: Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

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

4. **Resolution No. 2012-15** authorizing acceptance of State of California, Office of Traffic Safety, Sobriety Checkpoint Program Mini-Grant and approving a Fiscal Year 2011/12 Budget Amendment to appropriate those funds.

Council asked if this grant required any matching funds from the City.

Staff responded that no matching funds or ancillary cost will be incurred by the City

MOTION: Approve **Resolution No. 2012-15** authorizing acceptance of State of California, Office of Traffic Safety, Sobriety Checkpoint Program Mini-Grant and approving a Fiscal Year 2011/12 Budget Amendment to appropriate those funds.

MOVED: Moved by Kline/seconded by Ingwerson

**VOTE: Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

6. **Resolution No. 2012-17** awarding the Purchase of Bus Shelters and Solar Lighting Retrofits to Tolar Manufacturing, Inc. in the amount of \$50,757.42 and authorizing the Acting City Manager to execute the contract.

Council asked if staff was confident it had sufficient funds for installation of the bus shelters and lighting retrofits.

Staff concurred that they had \$22,928.58 remaining for the installation and they are confident that amount will be sufficient for the installation.

MOTION: Approve **Resolution No. 2012-17** awarding the Purchase of Bus Shelters and Solar Lighting Retrofits to Tolar Manufacturing, Inc. in the amount of \$50,757.42 and authorizing the Acting City Manager to execute the contract.

MOVED: Moved by Ingwerson/seconded by Kline

**VOTE: Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

8. **Resolution No. 2012-19** approving an All-Way Stop Sign Installation at the intersection of Roeding Road and Moore Road, and allowing the County of Stanislaus to furnish materials and installation.

Daniel Padilla, resident, asked what criteria was met to qualify this intersection for a four-way stop. He also asked if there were any plans for the similar intersection of Service and Moore.

Staff responded that the intersection met the criteria for both accidents and volume. The County has received request for a four-way stop at this intersection several time before however, this is the first time the warrants were met. There are no current plans for the Intersection of Service and Moore.

Dave Pratt, resident mentioned that on Helen Perry Road, there is a tree that blocks the stop sign near the school and makes the sign very hard to see.

Staff took note of the location but Council could not discuss it as it was not a part of this item.

MOTION: Approve **Resolution No. 2012-19** approving an All-Way Stop Sign Installation at the intersection of Roeding Road and Moore Road, and allowing the County of Stanislaus to furnish materials and installation.

MOVED: Moved by Ingwerson/seconded by Kline

**VOTE: Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

10. **Resolution No. 2012-21** authorizing an application to the Department of Homeland Security for a SAFER Grant for the addition of Firefighter staffing.

Council asked if the Grant covered overtime and training costs. Council further asked what happens at the end of the two years.

Staff responded that the grant will pay 100 percent of the salary and benefit costs however it does not cover additional overtime. Any training would be done during a regular work day. At the end of the two year period, if the City could not afford to maintain the Firefighters, they would have to be let go however, the City could reapply for the grant in three years.

MOTION: Approve **Resolution No. 2012-21** authorizing an application to the Department of Homeland Security for a SAFER Grant for the addition of Firefighter staffing.

MOVED: Moved by Ingwerson/seconded by Kline

**VOTE: Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

**PUBLIC HEARING** – None.

**NEW BUSINESS**

11. **Resolution No. 2012-22** appropriating \$11,678 of Community Development Block Grant (CDBG) Funds to the Mid-Cal Pipeline & Utilities, Inc. Purchase Order for the FY 2010/11 CDBG Project approved by the City Council on May 9, 2011. (B. Briggs/T. Wells)

**MOTION:** Approve **Resolution No. 2012-22** appropriating \$11,678 of Community Development Block Grant (CDBG) Funds to the Mid-Cal Pipeline & Utilities, Inc. Purchase Order for the FY 2010/11 CDBG Project approved by the City Council on May 9, 2011.

**MOVED:** Moved by Ingwerson/seconded by Kline

**VOTE:** **Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

Toby Wells, Engineering Director/City Engineer presented the staff report to Council. Mr. Wells stated that staff is requesting that the City Council appropriate \$11,678 of Community Development Block Grant funds to the Mid-Cal pipeline and Utility FY 2010-11 CDBG Project contract for additional work performed by the contractor.

A project of this nature involves the interaction and participation of many property owners. Throughout the course of the project, a number of property owners decided not to participate in the project or otherwise required changes to the original project. These changes required significant changes to the contract quantities resulting in updated calculations of project costs. Furthermore, additional work was incorporated into the project.

For this project, GDR Engineering (GDR) of Ceres was hired by the City to provide both the design and day-to-day project management. Prior to authorizing the additional work, City staff requested a project accounting from GDR to determine if there were sufficient funds in the project budget to accommodate the additional work. GDR informed staff that adequate resources existed in the budget to cover the change orders and based on that information the additional work was authorized. Unfortunately, a computational error tracing a credit for unused concrete related to the property owners' changes, inflated the available funds and resulted in the budget being exceeded by \$11,678, representing an additional 2.5% of the original contract.

Mr. Wells further stated that, should Council approve the item, the appropriation of funding will come from the CDBG – Consortium Revenue Account.

Council asked staff if the monies had not been available in the CDBG – Consortium Revenue Account where would the funding have come from.

Staff responded this is an annual account and so if the funds were not coming from this year's allocation, staff would take them from next year's allocation.

Council expressed concerns over the mistake and admonished staff to apply checks and balances so this did not happen again.

**MOTION:** Approve **Resolution No. 2012-22** appropriating \$11,678 of Community Development Block Grant (CDBG) Funds to the Mid-Cal Pipeline & Utilities, Inc. Purchase Order for the FY 2010/11 CDBG Project approved by the City Council on May 9, 2011.

**MOVED:** Moved by Ingwerson/seconded by Kline

**VOTE:** **Motion passed with Councilmember Durossette and Mayor Vierra absent. (3/0/2)**

**COUNCILMEMBER REFERRALS**

Councilmember Kline requested a future Study Session to review the use of contingency funds for the past 12 months. Staff responded that they would add the item to an April Study Session

**REPORTS**

Council and staff reported on various upcoming and current activities in the City including the replacement of Rail Road tracks on Service Road. Supervisor DeMartini reported on an upcoming meeting he is attending with the Westport Fire District.

There being no further business, Vice Mayor Lane adjourned the meeting at 7:52 p.m.

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Vice Mayor Lane

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Cindy Heidorn, City Clerk