

## CITY COUNCIL MINUTES

**April 23, 2012**

Mayor Vierra called the April 23, 2012 City Council Meeting to order at 7:00 p.m. with the following in attendance:

**ROLL CALL** Council Members Durossette, Ingwerson, Lane, Mayor Vierra

**EXCUSED** Councilmember Kline

**INVOCATION** by Mike Brinton, Public Works Director

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

### PRESENTATIONS

- A. Proclamation declaring April 8-14 National Public Safety Telecommunicators Week.
- B. Proclamation declaring April 27, 2012 Arbor Day in the City of Ceres.
- C. National Prisoner of War Recognition Day.

**APPROVAL OF THE MINUTES** of the regular Council Meetings, Special Meeting and Study Sessions of February 27 and March 12, 2012.

**ACTION:** Moved by Durossette/seconded by Ingwerson to approve the minutes of the regular Council Meetings, Special Meetings and Study Sessions of February 27 and March 12, 2012. **Motion passed with Councilmember Kline absent. (4/0)**

**APPROVAL OF THE MINUTES** of the regular Council Meeting, Special Meeting and Study Session of March 26, 2012. (Mayor Vierra Excused)

**ACTION:** Moved by Ingwerson/seconded by Durossette to approve the minutes of the regular Council Meetings, Special Meetings and Study Sessions of March 26, 2012. **Motion passed with Mayor Vierra Abstaining and Councilmember Kline absent. (3/0/1)**

**CITIZEN COMMUNICATIONS** - None

### APPROVAL OF AGENDA AS AMENDED AND CERTIFICATION OF POSTING

City Attorney Lyons requested that the following Closed Session item be removed from the agenda stating that there was nothing new to report:

#### CONFERENCE WITH LEGAL COUNCIL/ANTICIPATED LITIGATION

Significant Exposure to Litigation

One Potential Case: LAFCO

*Pursuant to Gov't Code Section 54956.9(b)*

**ACTION:** Moved by Durossette/seconded by Ingwerson to approve the Agenda as amended. **Motion passed with Mayor Vierra Abstaining and Councilmember Kline absent. (4/0)**

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

**CONFLICT OF INTEREST DECLARATION – None.**

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. IT Monthly Report for March, 2012.
  - b. Recreation Monthly Report for February & March, 2012.
  - c. 3<sup>rd</sup> Quarter Budget Report.
2. Register of Audited Demands for period covering April 4 – 12, 2012.
3. **Resolution No. 2012-45** approving a Lot Line Adjustment for E.R. Vine and Sons for the properties located at 2825 Railroad Avenue.
4. **Resolution No. 2012-46** approving an amendment to the Consultant Services Agreement with North Star Engineering Group, Inc.
5. **Resolution No. 2012-47** approving a one-year extension of the Agreement with Commercial Cleaning Systems for Custodial Services for the Community Center.
6. **Resolution No. 2012-48** awarding the Construction Contract for the Mitchell Road Overlay (Phase 1) Project, STPL-5241 (036) to Teichert Construction, Authorize a 10% contingency, authorize the City Manager to Execute the Contract and Approve Budget Amendments to Fund the Project Cost.
7. **Resolution No. 2012-49** approving an alternate method of apportionment as the basis for determining the City's share of LAFCO operating expenses by substituting total revenue with assessed property value in the established formula.
8. **Resolution No. 2012-50** authorizing the retention of Meyers Nave for legal services to defend the challenge to LAFCO's approval of the West Landing Reorganization. PULLED BY CITY ATTORNEY LYIONS FOR FURTHER DISCUSSION.
9. **Resolution No. 2012-51** accepting the Subdivision Improvements for the Dow Ranch No. 2 Subdivision as complete, accepting the Dedications and authorizing the Filing of the Notice of Completion.

**ACTION:** Moved by Ingwerson/seconded by Durossette to approve Consent Calendar Items 1-7 and 9 as recommended by staff. **Motion passed with Councilmember Kline absent. (4/0)**

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

8. **Resolution No. 2012-50** authorizing the retention of Meyers Nave for legal services to defend the challenge to LAFCO's approval of the West Landing Reorganization.

City Attorney, Mike Lyons presented a brief staff report to Council.

**ACTION:** Moved by Lane/seconded by Durossette to approve **Resolution No. 2012-50** as recommended by staff. **Motion passed with Mayor Vierra Abstaining and Councilmember Kline absent. (4/0/1)**

**UNFINISHED BUSINESS** – None.

**PUBLIC HEARING**

10. Public Hearing – **Resolution No. 2012-52** to consider the Planning Commission recommendation to amend the West Landing Specific Plan Appendix C “Interim Use Regulations.” Proposal includes a recommendation to replace the language in Appendix C with Ceres Municipal Code Section 18.48, “Nonconforming Lots, Buildings and Uses.”

7:17 p.m. Mayor Vierra opened the Public Hearing.

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

**ACTION:** Moved by Durossette/seconded by Ingwerson to approve **Resolution No. 2012-52** as recommended by staff. **Motion passed with Mayor Vierra Abstaining and Councilmember Kline absent. (4/0/1)**

**NEW BUSINESS** – None.

**COUNCILMEMBER REFERRALS** – None.

**REPORTS** – Council and staff reported on various recent and upcoming City events including the Grand Opening of Rancho San Miguel, the Love Ceres on April 28<sup>th</sup> and Relay for Life on April 28 and 29, 2012.

7:24 p.m. There being no further business, Mayor Vierra adjourned the City Council Meeting to the Closed Session.

**CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATOR

City Negotiator: Liebert, Cassidy, Whitmore

Employee Organization: Miscellaneous Bargaining Unit

Employee Organization: First Line Supervisors/Confidential Bargaining Group

Employee Organization: Mid-Management Employees

Employee Organization: Public Safety Mid-Managers

Employee Organization: Ceres Department of Public Safety Firefighters Association

Employee Organization: Ceres Police Officers’ Association

*Pursuant to Gov’t. Code Section 54957.6*

CONFERENCE WITH LEGAL COUNCIL/ANTICIPATED LITIGATION

Significant Exposure to Litigation

One Potential Case: Claim of TID for reimbursement of costs advanced for surface water project.

*Pursuant to Gov’t Code Section 54956.9(b)*

~~CONFERENCE WITH LEGAL COUNCIL/ANTICIPATED LITIGATION~~

~~Significant Exposure to Litigation~~

~~One Potential Case: LAFCO~~

~~*Pursuant to Gov’t Code Section 54956.9(b)*~~ ITEM REMOVED FROM AGENDA

8:12 p.m. Mayor Vierra adjourned the Closed Session to Open Session with nothing to report.

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

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Chris Vierra, Mayor

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Cindy Heidorn, City Clerk