

# CITY COUNCIL MEETING MINUTES

**July 23, 2012**

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

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

**INVOCATION** by Len Shepherd, resident

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

## CITIZEN COMMUNICATIONS

- Len Shepherd, resident, spoke in support of Public Safety personnel.
- Dave Pratt, resident, asked when the Mitchell Road Overlay project would be completed  
*Staff commented it should be complete in approximately one week.*

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

**ACTION:** Moved by Lane/Seconded by Ingwerson to approve the agenda as posted and certification of posting. **Motion passed unanimously. (5/0)**

## APPOINTMENTS TO BOARDS/COMMISSIONS

- a. Appointment of voting delegates and alternates to the League of California Cities Annual Conference September 5 – 7, 2012.

**ACTION:** Moved by Ingwerson/Seconded by Durossette to appoint **Vice Mayor Lane** as the City of Ceres voting delegate to the League of California Cities Annual Conference. **Motion passed unanimously. (5/0)**

**CONFLICT OF INTEREST DECLARATION** – None.

## CONSENT CALENDAR

1. General Correspondence – **Information Only**
  - a. Public Works Monthly Report for June, 2012.
  - b. IT Monthly Report for June, 2012.
  - c. Recreation Division Monthly Report for April - June, 2012.
2. Register of Audited Demands for period covering June 29 – July 12, 2012.
3. **Resolution No. 2012-96** accepting the Ceres ATMS and CCTV Camera Upgrade Project, CML-5241(027) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor. **PULLED FOR FURTHER DISCUSSION.**
4. **Resolution No. 2012-97** accepting the Central Avenue and Don Pedro Road Traffic Signal Project, CML-5241(034) as complete; approving the Balancing Contract Change Order; authorizing the filing

of the Notice of Completion and Retention Release to the Contractor. PULLED FOR FURTHER DISCUSSION.

5. **Resolution No. 2012-98** accepting the Mitchell Road and Don Pedro Road Traffic Signal Project, CML-5241(035) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor. PULLED FOR FURTHER DISCUSSION.
6. Initiate proceedings and refer potential changes to Municipal Code Chapter 18 - Flood Plain Management and Flood Hazard Identification Regulations to the Planning Commission.
7. Approval of Agricultural Preservation Policy letter from the Ceres City Council to Stanislaus LAFCO.
8. **Resolution No. 2012-99** setting the Terms and Conditions of Employment for the First Line Supervisors/Confidential Group.
9. Council approval of the installation of communication equipment at the Police Facility for a communications project sponsored by Stanislaus Regional 911 (SR 911) through a federally funded grant.
10. **Resolution No. 2012-100** determining that the City of Ceres will not elect to retain the Housing Assets and Functions previously performed by the Former Ceres Redevelopment Agency.
11. **Resolution No. 2012-101** determining that the City of Ceres will not elect to retain the Housing Assets and Functions previously performed by the Former Stanislaus-Ceres Redevelopment Commission.

**ACTION:** Moved by Lane/Seconded by Ingwerson to approve Consent Calendar Items 1a-c, 2, and 6-11 as recommended by staff. **Motion passed unanimously. (5/0)**

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

**Resolution No. 2012-96** accepting the Ceres ATMS and CCTV Camera Upgrade Project, CML-5241(027) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor. PULLED FOR FURTHER DISCUSSION.

Council requested clarification on the Change Order items.

**ACTION:** Moved by Lane/Seconded by Ingwerson to approve Consent Calendar Items 1a-c, 2, and 6-11 as recommended by staff. **Motion passed unanimously. (5/0)**

**Resolution No. 2012-97** accepting the Central Avenue and Don Pedro Road Traffic Signal Project, CML-5241(034) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor. PULLED FOR FURTHER DISCUSSION.

**Resolution No. 2012-98** accepting the Mitchell Road and Don Pedro Road Traffic Signal Project, CML-5241(035) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor. PULLED FOR FURTHER DISCUSSION.

Council requested clarification on the Change Order items.

**ACTION:** Moved by Kline/Seconded by Ingwerson to approve **Resolution No. 2012-97** accepting the Central Avenue and Don Pedro Road Traffic Signal Project, CML-5241(034) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor and **Resolution No. 2012-98** accepting the Mitchell Road and Don Pedro Road Traffic Signal Project, CML-5241(035) as complete; approving the Balancing Contract Change Order; authorizing the filing of the Notice of Completion and Retention Release to the Contractor. **Motion passed unanimously. (5/0)**

**UNFINISHED BUSINESS** – None.

## **PUBLIC HEARING**

12. Hearing to consider a proposal to amend land use designations for the Whitmore Mansion property at 2732 5<sup>th</sup> Street, to allow for the potential future construction of a park facility located on the site in conjunction with the Whitmore Mansion. The proposal requires the approval of a General Plan Amendment and an amendment to the Downtown Specific Plan, which would modify the land use designations for the entire 2.6-acre site from “Downtown Residential (DR)” to “Parks (P)”.

7:28 p.m. The Public Hearing was opened.

7:28 p.m. There being no one wishing to speak, the Public Hearing was closed.

a. **Resolution No. 2012-102** approving the Negative Declaration for the project.

**ACTION:** Moved by Lane/Seconded by Durossette to approve **Resolution No. 2012-102** approving the Negative Declaration for the project. **Motion passed unanimously. (5/0)**

b. **Resolution No. 2012-103** approving the General Plan Amendment (12-05 GPA) to modify the general plan land use designation from “Downtown Residential (DR)” to “Parks (P)”.

**ACTION:** Moved by Lane/Seconded by Ingwerson to approve **Resolution No. 2012-103** approving the General Plan Amendment (12-05 GPA) to modify the general plan land use designation from “Downtown Residential (DR)” to “Parks (P)”. **Motion passed unanimously. (5/0)**

c. **Ordinance No. 2012-1008** approving an amendment to the Downtown Specific Plan (10-14 DSP) to modify the downtown specific plan land use designation from “Downtown Residential (DR)” to “Parks (P)”. **First Reading and Introduction**

**ACTION:** Moved by Lane/Seconded by Durossette to Waive First Reading and have **Ordinance No. 2012-1008** read by number and title only. **Motion passed unanimously. (5/0)**

Mayor Vierra directed the Clerk to read **Ordinance No. 2012-1008** by Number and Title Only

City Clerk read the title into the record as follows:

“**Ordinance No. 2012-1008**, An Ordinance of the City Council of the City of Ceres approving an amendment to the Downtown Specific Plan (10-04 DSP) to modify the downtown specific plan land use designation from “Downtown Residential (DR)” to “Parks (P)”

**ACTION:** Moved by Lane/Seconded by Ingwerson to approve **Ordinance No. 2012-1008** approving an amendment to the Downtown Specific Plan (10-14 DSP) to modify the downtown specific plan land use designation from “Downtown Residential (DR)” to “Parks (P)” for first reading and introduction. **Motion passed unanimously. (5/0)**

**NEW BUSINESS**

13. **Resolution No. 2012-104** authorizing the City Manager to execute Consultant Agreement Amendment No. 6 with Nolte for the Service/Mitchell Interchange Project Approval/Environmental Document (PAED).

7:40 p.m. Adjourn as City Council to Special Meetings of the Successor Agency of the Former Ceres Redevelopment Agency and the Successor Agency of the Former Stanislaus Ceres Redevelopment Commission

7:44 p.m. Reconvene as City Council

**COUNCILMEMBER REFERRALS** – None.

**REPORTS** – Council reported on the recent ribbon cutting at the new TID Almond 2 Plant.

7:48 p.m. Mayor Vierra there being no further business, Mayor Vierra adjourned the meeting to Closed Session.

**CLOSED SESSION**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 2732 5th Street

Agency Negotiator: City Manager or his designee

Negotiating Parties: Owners Carey and Nancy Pope and Bank of America

Under Negotiation: Price and terms of payment

8:10 p.m. Mayor Vierra reconvened in Open Session with Nothing to Report.

8:10 p.m. There being no further business, Mayor Vierra adjourned the City Council Meeting.

/s/ Chris Vierra, Mayor

/s/ Cindy Heidorn, City Clerk