

**CITY COUNCIL MEETING
MINUTES**

June 25, 2012

Mayor Vierra called the June 25, 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

APPROVAL OF THE MINUTES of the regular City Council Meeting and Study Session of May 29, 2012. (All Present)

ACTION: Moved by Lane/seconded by Kline to approve the minutes of the regular Council Meeting and Study Session of May 29, 2012. **Motion passed unanimously. (5/0)**

CITIZEN COMMUNICATIONS

- Frank Rosa, owner of 1932 Darrah Street, addressed Council regarding garbage service at his building. Mr. Rosa feels he should be able to choose his own garbage service provider and not be restricted to the City's contracted service provider.
- Jim Burgamasti, representing the Ceres Garden Club, thanked the City Council for their support of the "Let Freedom Ring" project in Smyrna Park.
- Len Shepherd, resident, spoke in support of the "Let Freedom Ring Project" and also reminded everyone that it is fire season and to be especially careful.

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

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

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION – None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Monthly Report for May, 2012
 - b. IT Department Monthly Report for May, 2012.
 - c. Capital Improvement Projects (CIP) Update June 15, 2012.
 - d. Major Project Update June 15, 2012.
2. Register of Audited Demands for period covering June 4 – June 12, 2012.

3. **Resolution No. 2012-74** accepting the Roeding Heights Well #21 Rehab Project as Complete, Authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
4. **Resolution No. 2012-75** approving an amendment to the Consultant Services Agreement with Hawkins & Associates Engineering, Inc. dated November 19, 2011.
5. **Resolution No. 2012-76** approving Memorandum of Understanding (MOU) between the City of Ceres and the Turlock Irrigation District for T.I.D. Canal/Lateral #1.
6. **Resolution No. 2012-77** awarding the Construction Contract for the Community Development Block Grant (CDBG) Infrastructure Infill Project 2011/2012 to J.J.R. Construction, Authorize a 10% contingency, authorize the City Manager to Execute the Contract.
7. **Resolution No. 2012-78** accepting the 2011 Water System Upgrade Project 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. 2012-79** authorizing application to the U.S. Department of Justice, Bureau of Justice Assistance for a *2012 Edward Byrne Memorial Justice Assistance Grant (JAG)*.
9. **Resolution No. 2012-80** authorizing recognition of the Ceres Mid-Manager Bargaining Group and Ceres Public Safety Managers as Representative Employees Organizations.

ACTION: Moved by Lane/seconded by Durossette to approve Consent Calendar Items 1a-d, 2, 3, 5, 7-9 as recommended by staff. **Motion passed unanimously. (5/0)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

4. **Resolution No. 2012-75** approving an amendment to the Consultant Services Agreement with Hawkins & Associates Engineering, Inc. dated November 19, 2011.

Item pulled by Councilmember Kline for clarification of the contingency used on the project.

Len Shepherd, resident spoke in opposition to the use of contingency funds on projects.

Staff responded that in this case, the changes were made to meet unforeseen State mandates.

ACTION: Moved by Kline/seconded by Lane to approve Consent Calendar Items 1a-d, 2, 3, 5, 7-9 as recommended by staff. **Motion passed unanimously. (5/0)**

6. **Resolution No. 2012-77** awarding the Construction Contract for the Community Development Block Grant (CDBG) Infrastructure Infill Project 2011/2012 to J.J.R. Construction, Authorize a 10% Contingency, authorize the City Manager to Execute the Contract.

Pulled by Len Shepherd, resident, for a brief explanation of the project.

ACTION: Moved by Kline/seconded by Lane to approve **Resolution No. 2012-77** as recommended by staff. **Motion passed unanimously. (5/0)**

UNFINISHED BUSINESS – None.

PUBLIC HEARING

10. Public Hearing – to consider **Resolution No. 2012-81** amending/approving the Annual Report, Confirming the Assessment and ordering the Levy for the 1987 Landscape and Lighting District for FY 2012/13.

7:27 p.m. Mayor Vierra opened the Public Hearing.

7:27 p.m. There being no one wishing to speak, Mayor Vierra closed the Public Hearing.

ACTION: Moved by Lane/seconded by Kline to approve **Resolution No. 2012-81** as recommended by staff. **Motion passed unanimously. (5/0)**

11. Public Hearing – to consider **Resolution No. 2012-82** approving a Solid Waste Rate Increase to Pass-Through the Stanislaus Waste-to-Energy (WTE) Tipping Fee Increase, Increase the Rate for Large Recycling Bins, and Establish the Monthly Rate for Recycling Toters for Commercial and Multi-Family Complexes.

7:27 p.m. Mayor Vierra opened the Public Hearing.

Frank Rosa, property owner, spoke in opposition to the rate increase.

Len Shepherd, resident, asked for clarification on the effects of the increase to Mobile Home Parks.

County Supervisor Jim DeMartini explained that the County is not making any money on the Stanislaus Waste to Energy-Tipping-Fee Program, they are just trying to break even. They are also reducing the amount of solid waste going to the landfill.

7:27 p.m. There being no one else wishing to speak, Mayor Vierra closed the Public Hearing.

ACTION: Moved by Lane/seconded by Kline to approve **Resolution No. 2012-81** as recommended by staff. **Motion passed unanimously. (5/0)**

12. Public Hearing – to consider **Resolution No. 2012-83** adopting the Annual Budget for the City of Ceres for the 2012/13 Fiscal Year beginning July 1, 2012 and ending June 30, 2013 and **Resolution No. 2012-84** adopting the Appropriations Limitation for Fiscal Year 2012/13.

7:54 p.m. Mayor Vierra opened the Public Hearing.

Those asking questions regarding the use of Measure H Funds:

Len Shepherd, resident
Ken Groves, resident
John Goulding, Fire Fighter

8:03 p.m. There being no one else wishing to speak, Mayor Vierra closed the Public Hearing.

ACTION: Moved by Lane/seconded by Durossette to approve **Resolution No. 2012-83** as recommended by staff. **Motion passed unanimously. (5/0)**

ACTION: Moved by Lane/seconded by Kline to approve **Resolution No. 2012-84** as recommended by staff. **Motion passed unanimously. (5/0)**

NEW BUSINESS – None.

8:04 p.m. Mayor Vierra adjourned 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.

8:09 p.m. Mayor Vierra Reconvene the City Council Meeting.

COUNCILMEMBER REFERRALS - None

REPORTS

Councilmember Ingwerson reported on the City's recent receipt of over \$1,000.00 from Mildred Lucas. The money was a donation from her book sales to the City's Historical Fund.

8:13 p.m. There being no further business, Mayor Vierra adjourned the City Council Meeting to the Special Closed Session.

9:45 p.m. Mayor Vierra reconvened in Open Session with nothing to report.

9:45 p.m. Mayor Vierra adjourned the City Council Meeting.

/s/ Chris Vierra, Mayor

/s/ Cindy Heidorn, CMC
City Clerk