

# CITY COUNCIL MEETING

## MINUTES

**August 27, 2012**

Vice Mayor Lane called the City Council meeting to order at 7:03 p.m. with the following in attendance:

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

**EXCUSED** Mayor Vierra

**INVOCATION** by Michael Brinton, Director of Public Works

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

**APPROVAL OF THE MINUTES** of the regular meeting of August 13, 2012.

**ACTION:** It was moved by Kline/Seconded by Durossette to approve the minutes of the regular meeting of August 13, 2012. **Motion passed with Mayor Vierra absent and Councilmember Ingwerson abstaining. (3/0/2)**

**CITIZEN COMMUNICATIONS**– None.

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

**ACTION:** It was moved by Ingwerson/Seconded by Durossette to approve the agenda as posted and certification of posting. **Motion passed with Mayor Vierra absent. (4/0/1)**

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

**CONFLICT OF INTEREST DECLARATION**– None.

### **CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Public Works Monthly Report for July, 2012.
  - b. Focus Group Meeting Report.
  - c. Recreation Division Monthly Report for July, 2012.
2. Register of Audited Demands for period covering August 6 – 17, 2012.
3. Council approval and acceptance of the 2012 Local Agency Biennial Notice for the City of Ceres as required by the Political Reform Act.
4. **Resolution No. 2012-113** approving and accepting the Conflict of Interest Code for the Oversight Board to the Successor Agency of the Former Ceres Redevelopment Agency.

5. **Resolution No. 2012-114** approving and accepting the Conflict of Interest Code for the Oversight Board to the Successor Agency of the Former Stanislaus-Ceres Redevelopment Commission.
6. **Resolution No. 2012-115** opening the Public Review Period and setting a Public Hearing for September 10, 2012 to take testimony recommending the Stanislaus County Board of Supervisors approve the FY 2011/12 Community Development Block Grant and Emergency Shelter Grant Consolidated Annual Performance and Evaluation Report (CAPER).
7. **Resolution No. 2012-116** approving FY 2011/12 Carryover of Capital Improvement Project Appropriations to the FY 2012/13 Budget.
8. **Resolution No. 2012-117** awarding the City Tree Maintenance Contract to West Coast Arborists, Inc. for the annual maintenance of the City's trees and authorizing the City Manger to execute the contract. PULLED FOR FURTHER DISCUSSION
9. **Resolution No. 2012-118** approval of a part-time Community Services Officer position within the Police Division of the Public Safety Department.
10. **Resolution No. 2012-119** awarding the Contract for the Eastgate Street Tree Project to West Coast Arborists, Inc., authorizing a 10% contingency and authorizing the City Manager to execute the Contract. PULLED FOR FURTHER DISCUSSION
11. **Resolution No. 2012-120** awarding the Contract for the Hatch Road / TID Lateral #1 Bicycle & Pedestrian Pathway (Phase IV) Project to Knife River Construction, authorizing a 10% Contingency, Authorizing the City Manager to execute the Contract, and amending the FY 2012/13 Budget to appropriate funds. PULLED FOR FURTHER DISCUSSION

**ACTION:** It was moved by Durossette/Seconded by Ingwerson to approve Consent Calendar Items 1 – 7 and 9 as recommended by staff. **Motion passed with Mayor Vierra absent. (4/0/1)**

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

8. **Resolution No. 2012-117** awarding the City Tree Maintenance Contract to West Coast Arborists, Inc. for the annual maintenance of the City's trees and authorizing the City Manager to execute the contract.

Item pulled by Councilmembers Durossette and Kline for clarification of the bid procedure and total pricing.

**ACTION:** It was moved by Durossette/Seconded by Ingwerson to approve **Resolution No. 2012-117** awarding the City Tree Maintenance Contract to West Coast Arborists, Inc. for the annual maintenance of the City's trees and authorizing the City Manager to execute the contract. **Motion passed with Mayor Vierra absent. (4/0/1)**

10. **Resolution 2012-119** awarding the Contract for the Eastgate Street Tree Project to West Coast Arborists, Inc. authorizing a 10% contingency and authorizing the City Manager to execute the Contract.

Pulled by Councilmember Kline for clarification of the Scope of Work.

**ACTION:** It was moved by Durossette/Seconded by Ingwerson to approve **Resolution 2012-119** awarding the Contract for the Eastgate Street Tree Project to West Coast Arborists, Inc. authorizing a 10% contingency and authorizing the City Manager to execute the Contract. **Motion passed with Mayor Vierra absent. (4/0/1)**

**11. Resolution No. 2012-120** awarding the Contract for the Hatch Road / TID Lateral #1 Bicycle & Pedestrian Pathway (Phase IV) Project to Knife River Construction, authorizing a 10% Contingency, Authorizing the City Manager to execute the Contract, and amending the FY 2012/13 Budget to appropriate funds.

Toby Wells, Engineering Director/City Engineer. Addressed Council stating that he has received a bid protest from Rolfe Construction regarding the bid opening on 8/21/12. Rolfe Construction failed to submit all UDBE/DBE good faith efforts with the bid documents. Based on that, Staff deemed the bid “non-responsive” The City has required the DBE information be submitted with the bid for the past two years and states so clearly in the bid packet given to each prospective bidder. All other bidders submitted the required documentation and Staff feels that to allow this bid would compromise the integrity of the bidding process.

- Dave Pratt, resident, commented on the current condition of the bike path, he feels there are several spots that are not bike friendly.

Council concurred with staff recommendation.

**ACTION:** It was moved by Durossette/Seconded by Ingwerson to Approve **Resolution No. 2012-120** awarding the Contract for the Hatch Road / TID Lateral #1 Bicycle & Pedestrian Pathway (Phase IV) Project to Knife River Construction, authorizing a 10% Contingency, Authorizing the City Manager to execute the Contract, and amending the FY 2012/13 Budget to appropriate funds. **Motion passed with Mayor Vierra absent. (4/0/1)**

**UNFINISHED BUSINESS** – None.

## **PUBLIC HEARING**

**12. Public Hearing** - to consider **Ordinance No. 2012-1009** amending the Ceres Municipal Code Section 18.42.120(E) Signs, to modify the current political sign code for candidates that are seeking office who wish to advertise their candidacy with temporary political signs. (T. Westbrook) **REQUEST CONTINUANCE TO THE MEETING OF SEPTEMBER 10, 2012.**

**ACTION:** It was moved by Durossette/Seconded by Ingwerson to continue the Public Hearing to consider **Ordinance No. 2012-1009** amending the Ceres Municipal Code Section 18.42.120(E) Signs to the meeting of September 10, 2012. **Motion passed with Mayor Vierra absent. (4/0/1)**

## **NEW BUSINESS**

**13. Report on Unauthorized Entry into Waste Containers.**

Council accepted report and directed staff to amend the Ceres Municipal Code Section 6.04 – Garbage regarding unauthorized entry into waste containers. The revisions should include the following:

- 1) It shall be unlawful for any person, except the owner or someone with the owner’s consent, the collection agent or law enforcement personnel, pursuant to a duly issued search warrant for probable cause, to rummage, explore, scavenge or otherwise search a waste container.
- 2) Any and each violation of this section shall constitute a separate and distinct offense punishable as provided by the Municipal Code.
- 3) Scavenging is a violation of the provisions of this chapter and is hereby declared a public nuisance.
- 4) Any person in violation of this article shall be guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred (\$500.00) Dollars or imprisonment for not more than six (6) months, or both. *(Amend the recycling regulations to be consistent.)*
- 5) Any person that continues in violation of this section shall be guilty of a separate and distinct offense for each and every violation, pursuant to provisions outlined in the Municipal Code.

14. **Resolution No. 2012-121** awarding the Contract for the Smyrna Well Project Wells 39 and 40 to Conco-West, Inc., Authorizing a 10% Contingency, Authorizing the City Manager to Execute the Contract, and amending the FY 2012/13 Budget to appropriate funds.

Toby Wells, Engineering Director/City Engineer, addressed Council stating that a total of seven bids were received for the project. Of the seven, one bid was deemed non-responsive by staff. The bid was submitted by Travioli Construction of Visalia who have submitted a bid protest. Travioli did not meet the notary requirements on the bid bond. All other bids were properly notarized. The notary requirements are stated clearly in the bid package. Staff feels that to allow this bid would compromise the integrity of the bidding process.

- Lee Travioli, Travioli Construction, addressed Council and requested they allow his bid to be considered. He stated that the omission of the notary was an oversight.

Council concurred with staff.

**ACTION:** It was moved by Ingwerson/Seconded by Durossette to approve **Resolution No. 2012-121** awarding the Contract for the Smyrna Well Project Wells 39 and 40 to Conco-West, Inc., Authorizing a 10% Contingency, Authorizing the City Manager to Execute the Contract, and amending the FY 2012/13 Budget to appropriate funds **Motion passed with Mayor Vierra absent. (4/0/1)**

**8:00 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**

**8:07 p.m. RECONVENE AS CITY COUNCIL**

**COUNCILMEMBER REFERRALS – None.**

**REPORTS**

Various members of staff reported on upcoming events including the September 26<sup>th</sup> LAFCO meeting which will consider an item on Ag Mitigation and area road construction.

There being no further business, Vice Mayor Lane adjourned the meeting at 8:11 p.m.

/s/Ken Lane, Vice Mayor

/s/Cindy Heidorn, CMC, City Clerk