

CITY COUNCIL MINUTES

January 14, 2013

Mayor Vierra called the 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 Pastor Ken Sylvia, Youth for Christ

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

PRESENTATIONS

- A. Proclamation declaring January as National Slavery and Human Trafficking Month. *Mailed to the Stanislaus Family Justice Center.*
- B. Proclamation declaring Monday, January 21, 2013 Martin Luther King Jr. Day. *Presented to Mr. Frank Johnson, President, NAACP.* Mr. Johnson thanked Council for their continued support.

APPROVAL OF THE MINUTES of the Regular Meeting and Study Session of December 10, 2012.
(All Present)

ACTION: It was moved by Kline/seconded by Durossette to approve the minutes of the regular meeting and study session of December 10, 2012. **Motion carried unanimously. (5/0)**

CITIZEN COMMUNICATIONS

- Len Shepherd, resident, wished Council a Happy New Year and expressed his concern with the recent renovations made to the curb and sidewalk in front of the Library. *Staff explained that the renovations were made to comply with ADA standards.*
- Dave Pratt, resident thanked Council for the new overlay on Mitchell & Whitmore. He further mentioned that the handicap ramps on River Road and Mitchell Road are filling up with mud and becoming difficult to use. *Staff responded that they will get the ramps cleaned out.* Mr. Pratt further requested that staff check into the trees in the same area. Many are not receiving any maintenance and are hanging into the roadway.
- Carol Bloomquist, representing the Ceres Library, provided an update for Council on the upcoming events taking place in January and February. She also recognized Jason Chapman, Associate Engineer, for his assistance during construction of the new sidewalk and handicap ramps at the Library.
- Rosalinda Vierra, resident, spoke about the canal bank at Roeding and Moore. No one stops at the stop sign making the intersection dangerous. Ms. Vierra stated that when it is dark, the sign is hard to see. Ms. Vierra further commented that nothing had yet been done about the thief who broke into her car. *Staff responded that Roeding/Moore Rd. is ½ City and ½ County. Staff will follow up with the County to see if anything can be done. With regard to the robbery, staff responded that they interviewed witnesses and the witnesses were unable to identify the suspect.*

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

ACTION: It was moved by Ingwerson/seconded by Kline to approve the agenda as posted and certification of posting. **Motion carried unanimously. (5/0)**

APPOINTMENTS TO BOARDS/COMMISSIONS

- A. Council Concurrence of Mayor Vierra's recommendation to re-appoint Gary Del Nero and Bob Kachel to the Ceres Planning Commission for a four-year term to expire December 31, 2016.

ACTION: It was moved by Durossette/seconded by Kline to approve Mayor Vierra's recommendation to re-appoint Gary Del Nero and Bob Kachel to the Ceres Planning Commission for a four-year term to expire December 31, 2016. **Motion carried unanimously. (5/0)**

CONFLICT OF INTEREST DECLARATION – Vice Mayor Lane declared a conflict with Item No. 3 due to his employment with Mo-Cal Office Solutions.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Recreation Division Monthly Reports for November & December, 2012.
 - b. Public Works Monthly Report for November 2012. (M. Brinton)
2. Register of Audited Demands for period covering December 5, 2012 – January 4, 2013.
3. **Resolution No. 2013-01** approving a 36 month extension to Lease and Maintenance Agreement with Mo-Cal Office Solutions for a copier in the Recreation Division. **PULLED FOR CLARIFICATION OF CONFLICT OF INTEREST.**
4. **Resolution No. 2013-02** accepting the Mitchell Road Widening Project as Complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
5. **Resolution No. 2013-03** accepting the Finance Department Relocation Project as Complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
6. **Resolution No. 2013-04** authorizing the Purchase of Electrical Motor Control Centers from Tesco Controls Inc., and amending the FY 2012/13 Budget to appropriate funds. **PULLED FOR FURTHER DISCUSSION.**
7. Receive and file the Annual Report on Community Facilities District No. 1 and District No. 2 to comply with the Local Agency Special Tax Bond Accountability Act.
8. **Resolution No. 2013-05** awarding the Construction Contract for the Blaker Well #32 Improvements Project to Conco-West, Inc., authorizing a 10% contingency, authorizing the Acting City Manager to Execute the Contract, and amending the FY 2012/13 Budget to appropriate funds. **PULLED FOR FURTHER DISCUSSION.**

9. **Resolution No. 2013-06** approving a Retainer Consultant Services Agreement with OMNI-MEANS Engineers & Planners, and Hatch Mott MacDonald for Traffic Engineering Services, and authorizing the Acting City Manager to execute the agreement.

ACTION: It was moved by Ingwerson/seconded by Durossette to approve Consent Calendar items 1, 2, 4, 5, 7 and 9, as recommended by staff. **Motion carried unanimously. (5/0)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. **Resolution No. 2013-01** approving a 36 month extension to Lease and Maintenance Agreement with Mo-Cal Office Solutions for a copier in the Recreation Division.

Mike Lyons, City Attorney, stated that California Government Code Section 1090 prohibits a City from contracting with a company where a councilmember is employed. However, the Government Code has a provision for such contracting when the councilmember has a “remote interest” in the contract and if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

Mr. Lyons certified that Councilmember Lane meets all the requirements to have a remote interest in the contract. Those requirements are as follows: 1) Mo-cal has at least 10 other employees; 2) Councilmember Lane was employed by Mo-Cal for at least three years prior to accepting his initial term of office to the Council; 3) Councilmember Lane owns less than 3% of the business; 4) Councilmember Lane is not an officer or director; 5) Councilmember Lane did not participate in any of the discussions relating to the contract proposal.

Mr. Lyons further confirmed that we followed our standard procedures and solicited multiple bids with Mo-Cal submitting the lowest bid.

ACTION: It was moved by Durossette/seconded by Ingwerson to approve **Resolution No. 2013-01** approving a 36 month extension to Lease and Maintenance Agreement with Mo-Cal Office Solutions for a copier in the Recreation Division. **Motion passed with Vice Mayor Lane abstaining. (4/0/1)**

6. **Resolution No. 2013-04** authorizing the Purchase of Electrical Motor Control Centers from Tesco Controls Inc., and amending the FY 2012/13 Budget to appropriate funds. *Pulled by Councilmember Kline for a clarification on funding.*

ACTION: It was moved by Kline/seconded by Lane to approve **Resolution No. 2013-04** authorizing the purchase of Electrical Motor Control Centers from Tesco Controls Inc., and amending the FY 2012/13 Budget to appropriate funds. **Motion carried unanimously. (5/0)**

8. **Resolution No. 2013-05** awarding the Construction Contract for the Blaker Well #32 Improvements Project to Conco-West, Inc., authorizing a 10% contingency, authorizing the Acting City Manager to Execute the Contract, and amending the FY 2012/13 Budget to appropriate funds. *Pulled by Councilmember Kline for a clarification on funding.*

ACTION: It was moved by Kline/seconded by Lane to approve **Resolution No. 2013-05** awarding the Construction Contract for the Blaker Well #32 Improvements Project to Conco-West, Inc., authorizing a 10% contingency, authorizing the Acting City Manager to Execute the Contract, and amending the FY 2012/13 Budget to appropriate funds. **Motion carried unanimously. (5/0)**

UNFINISHED BUSINESS – None.

PUBLIC HEARING – None.

NEW BUSINESS – None.

COUNCILMEMBER REFERRALS – None.

REPORTS

Council and Staff reported on several recent and upcoming events including the progress being made on the Eastgate tree replacement project; the upcoming Ag Mini Conference on January 26, 2013 and the January 28, 2013, Protest Hearing for water and sewer rate increases.

There being no further business, Mayor Vierra adjourned the City Council Meeting at 7:52 p.m.

/s/ Chris Vierra, Mayor

/s/ Cindy Heidorn, CMC, City Clerk