

CITY COUNCIL MEETING MINUTES

May 13, 2013

Vice Mayor Lane called the City Council Meeting to order at 7:27 p.m. with the following in attendance:

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

EXCUSED: Mayor Vierra

INVOCATION by Michael Brinton, Public Works Deputy Director

PLEDGE OF ALLEGIANCE to the flag led by Vice Mayor Lane

PRESENTATIONS

A. Presentation by the Fire Department of 'Chip' the Accelerant K-9.

Jeff Santos, Fire Captain introduced the City's new Fire Dog, Chip.

B. Presentation by Earl Brown, Goodwill Industries regarding Senate Bill SB450.

Mr. Brown urged Council's support of SB450 which will put regulations in place to address the placement of illegal donation drop boxes. *Council directed Staff to draft an Ordinance addressing the issue.*

C. Proclamation declaring May as Asthma Awareness Month. Accepted by the Stanislaus County Asthma Coalition.

Vice Mayor Lane read the proclamation into the record.

D. Proclamation declaring May 13 – 17, 2013 Bike to Work Week in the City of Ceres. Accepted by Kay Dunkel, Administrative Analyst.

Kay Dunkel, Administrative Analyst accepted the proclamation, thanked Council and briefly outlined the Cities Bike to Work contest being held this week for employees.

E. Proclamation Declaring May 12 – 18, 2013 as Police Week and May 15, 2013 as Peace Officer Memorial Day in the City of Ceres. Accepted by Deputy Police Chief Mike Borges.

Deputy Police Chief Mike Borges accepted the proclamation and thanked Council for the recognition.

APPROVAL OF THE MINUTES of the Regular Meeting and Study Session of April 22, 2013.

ACTION: It was moved by Durossette/Seconded by Kline to approve the minutes of the Regular Meeting and Study Session of April 22, 2013. **Motion carried with Mayor Vierra Excused. (4/0/1)**

CITIZEN COMMUNICATIONS

- Michelle Coxford, Regional Children's Librarian, gave an update of upcoming activities at the Stanislaus County Library including story time, summer reading programs, teen bottle crafts and lego day.
- Frank Rosa, voiced complaints about City Staff and City regulations. He also complained about the City's fee for Business Licenses.

- Don Cool, resident, mentioned the traffic problem at Caesar Chavez School. When the police are present everyone obeys the rules, however, when the police are not present, everyone picks up their old habits. Mr. Cool commented that he hoped the two new schools; Hanline Elementary and Beaver Elementary would have better sidewalks and a better route for traffic to flow.

Council recommended that Mr. Cool address the School District Board.

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

City Attorney, Mike Lyons, stated that there is a need to add an item to the agenda. Mr. Lyons explained that the Ralph M. Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on a posted agenda. One exception states that when two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need to take action “came to the attention of the local agency subsequent to the agenda being posted”. This exception requires a degree of urgency, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted.

Mr. Lyons continued that there is a need to add an item to the scheduled Closed Session. That item is:

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LEGAL ACTION
Significant exposure to litigation pursuant to GC §54956.9 (d)(2)
One potential case
Possible challenge by the Citizens for Ceres, regarding the stop sign at Fowler Rd./Lunar Dr.

This item came to Staff’s attention subsequent to the agenda being posted and Staff has determined there is a need to take immediate action.

ACTION: It was moved by Ingwerson/Seconded by Kline to make the findings that there is a need to take immediate action and add the CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LEGAL ACTION Significant exposure to litigation pursuant to GC §54956.9 (d)(2). One potential case. Possible challenge by the Citizens for Ceres, regarding the stop sign at Fowler Rd./Lunar Dr. to the City Council agenda. **Motion carried with Mayor Vierra Excused. (4/0/1)**

ACTION: It was moved by Ingwerson/Seconded by Kline to approve the agenda as amended and certification of posting. **Motion carried with Mayor Vierra Excused. (4/0/1)**

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION – None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. January through April Budget and Overtime Report.
 - b. Recreation Division Monthly Report for March, 2013.
2. Register of Audited Demands for period covering April 19 – May 2, 2013.
3. **Resolution No. 2013-34** rejecting the Late Claim Application for James Haley.

4. **Resolution No. 2013-35** authorizing amendments to *Policy 400 – Human Resources – Private Vehicle Use on City Business* and *Policy 600 – Finance – Travel & Subsistence Reimbursement*.
5. Waive Second Reading and adopt **Ordinance No. 2013-1016** amending the City of Ceres Municipal Code Title 9, Chapter 9.13 Emergency Alarms, to enhance the enforcement and collection of fines for False Alarms.
6. **Resolution No. 2013-36** recommending the County Board of Supervisors approve the request by the cities of Modesto, Oakdale and Stanislaus County to expand boundaries of the Enterprise Zone by a total of 325.26 Acres.
7. **Resolution No. 2013-37** approving the Boundaries of the targeted employment area and authorizing the submittal of a targeted employment area application for the Stanislaus Enterprise Zone, as required by the California State Department of Housing and Community Development.
8. **Resolution No. 2013-38** approving the termination of the Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District and Keyes Community Services District Related to the Proposed Drinking Water Supply. PULLED FOR FURTHER DISCUSSION.
9. **Resolution No. 2013-39** accepting the 2013 Water Valve Replacement Project as Complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
10. **Resolution No. 2013-40** accepting the Eastgate Street Tree Project as Complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
11. **Resolution 2013-41** approving the Transit Development Act (TDA) Claim for FY 2013/14, and **Resolution 2013-42** approving Changes to Ceres Area Transit (CAT) Bus Schedule and Fares. PULLED FOR FURTHER DISCUSSION.
12. Set public hearing date of May 28, 2013, for Council to consider and possibly provide direction through a proposed Zoning Ordinance Text Amendment (13-05 ZOTA) Chapter 18.42 Signs, modifying the current portable sign code to allow for limited usage of A-Frame signs that adhere to specific design standards.

ACTION: It was moved by Ingwerson/Seconded by Durossette to approve Consent Calendar Items 1-7, 9, 10 and 12 as recommended by staff. **Motion carried with Mayor Vierra Excused. (4/0/1)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

8. **Resolution No. 2013-38** approving the termination of the Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District and Keyes Community Services District related to the proposed drinking water supply.

Pulled by Councilmember Kline for a brief point of clarification.

ACTION: It was moved by Kline/Seconded by Ingwerson to approve **Resolution No. 2013-38** approving the termination of the Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District and Keyes Community Services District related to the proposed drinking water supply. **Motion carried with Mayor Vierra Excused. (4/0/1)**

11. **Resolution No. 2013-41** approving the Transit Development Act (TDA) Claim for FY 2013/14 and **Resolution No. 2013-42** approving changes to Ceres Area Transit (CAT) Bus Schedule and Fares.

Pulled by Councilmember Kline for a brief point of clarification.

ACTION: It was moved by Kline/Seconded by Durossette to approve **Resolution No. 2013-41** approving the Transit Development Act (TDA) Claim for FY 2013/14 **Motion carried with Mayor Vierra Excused. (4/0/1)**

ACTION: It was moved by Kline/Seconded by Ingwerson to approve **Resolution No. 2013-41** **Resolution No. 2013-42** approving changes to Ceres Area Transit (CAT) Bus Schedule and Fares. **Motion carried with Mayor Vierra Excused. (4/0/1)**

UNFINISHED BUSINESS – None.

PUBLIC HEARING – None.

NEW BUSINESS

13. **Ordinance No. 2013-1017** amending the Ceres Municipal Code Chapter 10.36 to add a new Section 10.36.160 Establishing a Towing Service Operator Fee for the cost of properly administering the provisions of the Rotation List Program; and **Resolution No. 2013-43** increasing the fees that Rotation Tow Operators may charge for towing services performed under the City's Rotation Tow Program.

Deputy Police Chief, Mike Borges, presented a brief staff report.

ACTION: It was moved by Kline/Seconded by Ingwerson to waive first reading and have the **Ordinance No. 2013-1017** read by number and title only. **Motion carried with Mayor Vierra excused. (4/0/1)**

Vice Mayor Lane directed the City Clerk to read the Ordinance by number and title only.

Cindy Heidorn, City Clerk, read the following into the record:

“**Ordinance No. 2013-1017** amending the Ceres Municipal Code Chapter 10.36 to add a new Section 10.36.160 establishing a Towing Service Operator Fee for the cost of properly administering the provisions of the Rotation List Program”.

ACTION: It was moved by Ingwerson/Seconded by Kline to approve **Ordinance No. 2013-1017** for first reading and introduction. **Motion carried with Mayor Vierra excused. (4/0/1)**

ACTION: It was moved by Ingwerson/Seconded by Durossette to approve **Resolution No. 2013-43** increasing the fees that Rotation Tow Operators may charge for towing services performed under the City's Rotation Tow Program. **Motion carried with Mayor Vierra Excused. (4/0/1)**

All new fees are to go into effect on July 1, 2013.

COUNCILMEMBER REFERRALS – None.

REPORTS

Council and staff report on various recent events including the Annual Street Faire and the recently held Annual City Attorneys Conference.

8:29 p.m. Vice Mayor Lane adjourned the City Council Meeting to Closed Session.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

Title: City Attorney

Pursuant to Government Code Section 54957

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION.

Consideration of initiation of litigation *pursuant to paragraph (4) of subdivision (d) of Section 54056.9 of the Government Code* (One potential case)

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LEGAL ACTION

Significant exposure to litigation pursuant to GC §54956.9 (d)(2)

One potential case

Possible challenge by the Citizens for Ceres, regarding the stop sign at Fowler Rd./Lunar Dr.

8:30 p.m. Mayor Vierra arrived at Closed Session.

11:00 p.m. Mayor Vierra reconvened in Open Session with nothing to report.

11:00 p.m. Mayor Vierra adjourned the City Council Meeting.

/s/Chris Vierra, Mayor

/s/ Ken Lane Vice Mayor

/s/Cindy Heidorn, CMC, City Clerk