

# CITY COUNCIL MEETING MINUTES

**July 8, 2013**

Mayor Vierra called the July 8, 2013 City Council Meeting to order at 7:00 p.m. with the following in attendance:

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

**EXCUSED** Councilmember Kline

**INVOCATION** by Mr. Leonard Shepherd

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

## PRESENTATIONS

- A. Quarterly Report from Whitmore Foundation re: Whitmore Mansion operations. (Lisa Mantarro Moore, Foundation Board Member)

Ms. Mantarro Moore reported that the Foundation is having the Mansion inspected for structural and electrical deficiencies. Once all deficiencies are identified, the Foundation will turn to local Service Groups to assist in the repairs. There will be an estate sale in the near future to sell the former property owner's assets. Ms. Mantarro Moore further stated that the Foundation has taken over watering and gardening at the facility so the plants do not die.

Mayor Vierra requested a Study Session on August 26, 2013 to meet together with the Whitmore Foundation Board to discuss the Mansion. In the interim, Councilmembers Lane and Ingwerson will meet with the Foundation Board to keep abreast of any issues.

- B. Proclamation Declaring July, 2013 as National Park and Recreation Month. *Continued to the meeting of July 22, 2013.*

**APPROVAL OF THE MINUTES** of the Study Session of May 29, 2013. (All members present)

**ACTION:** It was moved by Lane/Seconded by Durossette to approve the Study Session minutes of May 29, 2013. **Motion carried with Councilmember Kline excused. (4/0)**

**APPROVAL OF THE MINUTES** of the regular meeting of June 24, 2013. (Vice Mayor Lane excused)

**ACTION:** It was moved by Durossette/Seconded by Ingwerson to approve the regular meeting minutes of June 24, 2013. **Motion carried with Councilmember Kline excused and Councilmember Lane abstaining. (3/0/1)**

## CITIZEN COMMUNICATIONS

- Len Shepherd, resident, spoke about the recent death of 20 firefighters.
- Jim Burghamasti, resident, thanked the City for installing the "Let Freedom Ring" sign, donated by the Garden Club, at Smyrna Park.

**APPROVAL OF AGENDA AS AMENDED AND CERTIFICATION OF POSTING**

**ACTION:** It was moved by Durossette/Seconded by Lane to approve the Agenda as amended and certification of posting. **Motion carried with Councilmember Kline excused. (4/0)**

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

**CONFLICT OF INTEREST DECLARATION– None.**

**CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

1. General Correspondence – **Information Only**
  - a. Healthy Eating Active Living (HEAL) Cities Campaign update.
2. Register of Audited Demands dated June 21, 2013.
3. **Resolution No. 2013-58** ratifying Letter of Agreement between the City of Ceres and Ceres Professional Firefighters Association Local 3636, Setting Terms and Conditions of Employment Pertaining to Canine Assignment. PULLED FOR FURTHER DISCUSSION.
4. **Resolution No. 2013-59** ratifying Letter of Agreement between the City of Ceres and Miscellaneous Bargaining Unit, Northern California District Council of Laborers Setting Terms and Conditions of Employment Pertaining to Shifts and Shift Differential Pay.
5. **Resolution No. 2013-60** approving an agreement with the Stanislaus County Sheriff’s Department to allow for the sharing of City of Ceres Crime Analyst services.
6. **Resolution No. 2013-61** awarding the Contract for the Safe Route 2 School – Carroll Fowler & Mae Hensley Corridor Project to Breneman, Inc., Authorize a 10% Contingency and Authorize the Acting City Manager to Execute the Contract.
7. **Resolution No. 2013-62** authorizing the Deputy City Manager / City Engineer to issue payment to I.C. Refrigeration in the amount of \$26,908.00 for emergency repairs to the Legion Hall Air Conditioning System.
8. **Resolution No. 2013-63** accepting the Hatch-Moffett Well #23 Electrical Upgrade Project as complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.
9. **Resolution No. 2013-64** approving a Retainer Consultant Services Agreement with O’Dell Engineering, GDR Engineering, Inc., Provost & Pritchard Engineering Group, and Interwest Consulting for General Engineering Services for a term of one year, and Authorizing the Acting City Manager to Execute the Agreement.
- 9a. **Resolution No. 2013-65** authorizing application to the U.S. Department of Justice, Bureau of Justice Assistance for a 2013 Edward Byrne Memorial Justice Assistance Grant. (JAG).

**ACTION:** It was moved by Ingwerson/Seconded by Lane to approve Consent Calendar Items 1, 2 and 4-9a as recommended by staff. **Motion carried with Councilmember Kline excused. (4/0)**

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

3. **Resolution No. 2013-58** ratifying Letter of Agreement between the City of Ceres and Ceres Professional Firefighters Association Local 3636, Setting Terms and Conditions of Employment Pertaining to Canine Assignment.

Item was pulled by Mr. Shepherd to commend the Fire Department for their innovation in attaining an arson dog.

**ACTION:** It was moved by Lane/Seconded by Durossette to approve **Resolution No. 2013-58**, Letter of Agreement between the City of Ceres and Ceres Professional Firefighters Association Local 3636, Setting Terms and Conditions of Employment Pertaining to Canine Assignment. **Motion carried with Councilmember Kline excused. (4/0)**

**UNFINISHED BUSINESS** – None.

**PUBLIC HEARING** – None.

**NEW BUSINESS**

10. Mitchell Road Median north of Hatch Road.

Toby Wells, Deputy City Manager/City Engineer, provided an overview to Council regarding the median on Mitchell Road north of Hatch Road. Tenants and the property owner on the north east corner of Hatch and Mitchell have expressed concerns that the installation of the median is impacting the profitability of their businesses and have requested that staff remove the median or revise the median to provide a left turn movement into the property from southbound Mitchell Road.

Mr. Wells stated that staff is strongly opposed to the removal of the median in Mitchell Road north of Hatch Road. The traffic volumes on Mitchell Road exceed 44,000 cars per day. Limiting conflicting traffic movements is imperative to providing traffic safety.

Mr. Wells provided Council with three (3) possible options.

- Dave Pratt, resident, stated that he prefers Option #3.
- Len Shepherd, resident, stated he does not use the shopping center because the traffic on Mitchell is dangerous. If the current configuration is working, do not change it.

After some discussion, Council chose Option 3: Modification of the median on Hatch Road and the installation of a new driveway to facilitate additional movements into the property at the northeast corner of Mitchell and Hatch. This would be considered an interim condition until the development of the vacant parcel to the east is developed and required to dedicate a cross access easement. Option 3 is estimated to cost approximately \$25,000 and be completed in 2 – 4 months.

**ACTION:** It was moved by Durossette/Seconded by Lane to approve Option 3: Modification of the median on Hatch Road and the installation of a new driveway to facilitate additional movements into the property at the northeast corner of Mitchell and Hatch. This would be considered an interim condition until the development of the vacant parcel to the east is developed and required to dedicate a cross access easement. Project to be capped at \$25,000.

**COUNCILMEMBER REFERRALS – None.**

**REPORTS**

Staff reported on various recent and upcoming events including the 4<sup>th</sup> of July, the PG&E high pressure gas main replacement project on Whitmore Avenue, and the Mitchell Road overlay project.

**8:22 p.m.** Mayor Vierra adjourned the City Council Meeting to Closed Session.

**CLOSED SESSION - CANCELLED**

**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Consideration of initiation of litigation pursuant to paragraph (4) subdivision (d) of Section 54056.9 of the Government Code (one Potential case)

**8:22 p.m.** There being no further business, Mayor Vierra adjourned the City Council meeting.

/s/Chris Vierra, Mayor

/s/Cindy Heidorn, CMC, City Clerk