

CITY COUNCIL MINUTES

July 22, 2013

Mayor Vierra called the July 22, 2013 City Council Meeting to order at 7:08 p.m. with the following in attendance:

ROLL CALL Council Members Durossette, Kline, Lane, Mayor Vierra

EXCUSED: Councilmember Ingwerson

INVOCATION by Alfred Montalvo, Youth for Christ

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

PRESENTATIONS

A. Proclamation declaring July, 2013 as National Park and Recreation Month.

Recreation Supervisors Cambria Pollinger and Traci Farris presented a brief slide show and thanked Council for their support.

B. Update on the Stanislaus Fire Service EMS Consortium.

Bryan Nicholes, Deputy Fire Chief, gave a brief power point presentation on the progress of the Stanislaus Fire Service EMS Consortium. Council accepted report.

CITIZEN COMMUNICATIONS

- Carol Blomquist, Ceres Library Branch Manager, spoke about the success of recent Library events including the summer reading program; Dave the Horn Guy and Python Ron.
- Len Shepherd, resident, spoke in support of Fire Services.

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

ACTION: It was moved by Kline/seconded by Durossette to approve the agenda as posted and certification of posting. **Motion carried with Councilmember Ingwerson excused. (4/0)**

APPOINTMENTS TO BOARDS/COMMISSIONS

a. Appointment of a voting delegate and alternate to the League of California Cities Annual Conference September 18-20, 2013.

ACTION: It was moved by Lane/seconded by Kline to appoint Councilmember Ingwerson as the voting delegate and Councilmember Durossette as the alternate. **Motion carried with Councilmember Ingwerson excused. (4/0)**

CONFLICT OF INTEREST DECLARATION – None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Stanislaus County Groundwater Ordinance Update. PULLED FOR FURTHER DISCUSSION.
2. Register of Audited Demands for period covering June 28 – July 10, 2013.
3. **Resolution No. 2013-66** approving the Annual Report of the Ceres Downtown Revitalization Area Board (CDRAB) for Fiscal Year 2013/14 and Setting a Public Hearing on August 12, 2013 to approve a Levy Assessment for CDRAB Activities and Projects. PULLED FOR FURTHER DISCUSSION.
4. **Resolution No. 2013-67** accepting the Safe Route to School Project Central Avenue Corridor SRTSL 5241-(040) 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. 2013-68** awarding the Contract for the River Bluff Regional Park Emergency Bank Stabilization Project to Rolfe Construction, authorizing a 10% Contingency, authorizing the Acting City Manager to Execute the Contract and approving a Budget Amendment.
6. **Resolution No. 2013-69** authorizing the replacement of an existing “BUSINESS DISTRICT” sign with arrows on State Highway 99.
7. **Resolution No. 2013-70** ordering the Levy and Collection of Special Taxes for Fiscal Year 2013/14 within the City of Ceres Community Facilities District No. 1.
8. **Resolution No. 2013-71** ordering the Levy and Collection of Special Taxes for Fiscal Year 2013/14 within the City of Ceres Community Facilities District No. 2.
9. **Resolution No. 2013-72** approving a one-year extension to the Agreement for Retainer Consultant Services with Kleinfelder West, Inc. for Materials Testing Services and Authorizing the Acting City Manager to Execute the Amendment. PULLED FOR FURTHER DISCUSSION.

ACTION: It was moved by Kline/seconded by Durossette to approve Consent Calendar Items 2 and 4-8 as recommended by staff. **Motion carried with Councilmember Ingwerson excused. (4/0)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

1. Stanislaus County Groundwater Ordinance Update

Acting City Manager, Art de Werk, brought the item to Council’s attention. Urged Council and the City Attorney to review it and see if there are any issues of concern. Mayor Vierra further commented that the City of Ceres along with Modesto and Turlock are still trying to work on a water purchase agreement with the Turlock Irrigation District however, it is not moving as quickly as the cities would like.

ACTION: It was moved by Vierra/seconded by Lane to accept **Item 1a**. Stanislaus Groundwater Ordinance Update. **Motion carried with Councilmember Ingwerson excused. (4/0)**

3. **Resolution No. 2013-66** approving the Annual Report of the Ceres Downtown Revitalization Area Board (CDRAB) for Fiscal Year 2013/14 and Setting a Public Hearing on August 12, 2013 to approve a Levy Assessment for CDRAB Activities and Projects.
- Lourdes Perez, representing Partnership for Healthy Children, thanked Council for the recent Study Session and for taking a closer look at the Downtown Revitalization Area.

ACTION: It was moved by Kline/seconded by Durossette to approve **Resolution No. 2013-66** approving the Annual Report of the Ceres Downtown Revitalization Area Board (CDRAB) for Fiscal Year 2013/14 and Setting a Public Hearing on August 12, 2013 to approve a Levy Assessment for CDRAB Activities and Projects. **Motion carried with Councilmember Ingwerson excused. (4/0)**

9. **Resolution No. 2013-72** approving a one-year extension to the Agreement for Retainer Consultant Services with Kleinfelder West, Inc. for Materials Testing Services and Authorizing the Acting City Manager to Execute the Amendment.

Pulled by Councilmember Kline for clarification on the term of the agreement and the amount of funding requested.

Staff responded that the request is to extend the contract an additional year expiring June 30, 2014 and an additional \$75,000.

ACTION: It was moved by Kline/seconded by Durossette to approve **Resolution No. 2013-72** approving a one-year extension to the Agreement for Retainer Consultant Services with Kleinfelder West, Inc. for Materials Testing Services and Authorizing the Acting City Manager to Execute the Amendment. **Motion carried with Councilmember Ingwerson excused. (4/0)**

UNFINISHED BUSINESS – None.

PUBLIC HEARING

10. Public Hearing to consider **Resolution No. 2013-73** approving the update to the Public Facilities Fee Nexus Study for water and sewer fees per the recently approved Water and Sewer Master Plans and adopting the Public Facilities Impact Fee Schedules. *Continued from the meeting of June 24, 2013.*

Toby Wells, Deputy City Manager/City Engineer introduced the item. Mr. Wells stated that the item was continued from the meeting of June 24, 2013 to provide the BIA time to review the fees. The BIA has reviewed the fees and has no issue with them.

7:42 p.m. Mayor Vierra opened the Public Hearing

7:42 p.m. There being no one wishing to speak the Public Hearing was closed.

ACTION: It was moved by Lane/seconded by Durossette to approve **Resolution No. 2013-73** approving the update to the Public Facilities Fee Nexus Study for water and sewer fees per the recently approved Water and Sewer Master Plans and adopting the Public Facilities Impact Fee Schedules. **Motion carried with Councilmember Ingwerson excused. (4/0)**

11. Public Hearing to consider **Resolution No. 2013-74** declaring the Intention to Levy and Collect Assessments for the 1987 Landscape and Lighting District for Fiscal Year 2013/14. (T.Wells)

Toby Wells, Deputy City Manager/City Engineer introduced the item.

7:44 p.m. Mayor Vierra opened the Public Hearing.

7:44 p.m. There being no one wishing to speak, the Public Hearing was closed.

ACTION: It was moved by Durossette/seconded by Lane to approve **Resolution No. 2013-74** declaring the Intention to Levy and Collect Assessments for the 1987 Landscape and Lighting District for Fiscal Year 2013/14. **Motion carried with Councilmember Ingwerson excused. (4/0)**

NEW BUSINESS

12. **Resolution No. 2013-75** approving the execution of a Memorandum of Understanding between the City of Ceres, Monterey Park Tract Community Services District and Stanislaus County.

Toby Wells, Deputy City Manager/City Engineer introduced the item. Mr. Wells stated that this is the first step in the process of supplying water to Monterey Park Tract Community Services District. The second step is the environmental study which must be completed before we can supply water to the district.

- Francisco Diaz, representing Monterey Park Tract Community Services District thanked Council for their support.
- Stanislaus County Supervisor Jim DeMartini, urged Council to approve the contract and thanked Council for working with the County and the District to provide a solution.

ACTION: It was moved by Kline/seconded by Durossette to approve **Resolution No. 2013-75** approving the execution of a Memorandum of Understanding between the City of Ceres, Monterey Park Tract Community Services District and Stanislaus County. **Motion carried with Councilmember Ingwerson excused. (4/0)**

COUNCILMEMBER REFERRALS

Councilmember Kline requested a gas and diesel cost study for City vehicles.

REPORTS

Council and staff reported on various recent and upcoming events including the ongoing PG&E high pressure gas main replacement project on Whitmore Avenue, “Coffee with a Cop” event on July 24, 2013 and National Night Out scheduled for August 6, 2013 at the Community Center.

8:00 p.m. Mayor Vierra adjourned the meeting to Closed Session

CLOSED SESSION

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. (two Potential cases)

8:45 p.m. Mayor Vierra reconvened in Open Session with nothing to report.

8:45 p.m. There being no further business, Mayor Vierra adjourned the City Council Meeting.

/s/Chris Vierra, Mayor

/s/Cindy Heidorn, CMC, City Clerk