

CITY COUNCIL MEETING MINUTES

August 26, 2013

Vice Mayor Lane called the August 26, 2013 City Council Meeting to order at 7:00 p.m. with the following in attendance:

ROLL CALL Council Members Durossette, Ingwerson, Kline, Lane

EXCUSED Mayor Vierra

INVOCATION by Ken Silvia, Youth for Christ

PLEDGE OF ALLEGIANCE to the flag led by Vice Mayor Lane

PRESENTATIONS

- A. Declaring September 15 – October 15, 2013 National Hispanic Heritage Month. *Continued to September 9, 2013.*
- B. Recognition of participants in the August 6, 2013 National Night Out. *The City Council and Acting City Manager Art de Werk honored all those who were instrumental in making the August 6, 2013 National Night Out a success. Acting City Manager de Werk stated that this was the first one hosted downtown at City Facilities and hopes to make it even bigger in years to come.*

CITIZEN COMMUNICATIONS

- Steven Ames representing the Alliance introduced himself to Council and discussed some of the projects the Alliance is currently working on.
- Len Shepherd, resident, spoke about the RIM Fire and the Ceres firefighters who were dispatched to assist in battling the blaze.
Acting City Manager Art de Werk, mentioned that there were also Ceres Police Officers at the site of the RIM Fire to help prevent looting and assisting people who have been displaced.
- Carol Blomquist, Ceres Regional Librarian gave an update on recent and upcoming events at the Ceres Library.
- Lou Toste, representing Ceres Youth Soccer Organization spoke about the two soccer fields on the east side of River Bluff Regional Park that are open to the public. He is concerned that the fields are heavily used and never have a chance to rest rendering them useless for large tournaments such as the State Cup. Mr. Toste requested the fields be closed.
Deputy City Manager/City Engineer Toby Wells cautioned that the fields were built with grant funds. One of the conditions of the Grant was that the fields remain open to the public. Mr. Wells further commented that the issue would be addressed in the Master Plan which will be before Council for consideration in September or October.

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

City Attorney, Mike Lyons stated that the current Closed Session item: PUBLIC EMPLOYEE EVALUATION/APPOINTMENT is being removed from the agenda and 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-EXISTING LITIGATION

Citizens for Ceres v. City of Ceres, et al: CEQA Action challenging Three-Way Stop at the intersection of Fowler Rd. and Lunar Drive

Case No. 2001942

Pursuant to Gov't Code §54956.9(a)

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 Durossette to approve the agenda as amended: with the deletion of Closed Session item PUBLIC/EMPLOYEE EVALUATION/APPOINTMENT and the addition of Closed Session Item CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. **Motion passed 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. Public Works monthly report for July 2013.
 - b. Recreation monthly reports for May, June and July, 2013.
2. Register of Audited Demands for period covering August 9–16, 2013.
3. **Resolution No. 2013-82** approving Fiscal Year 2012-2013 carryover appropriations and amending the 2013-2014 Budget. PULLED FOR FURTHER DISCUSSION
4. **Resolution 2013-83** authorizing designated City officials to review confidential sales, transactions and use tax records pursuant to Revenue and Taxation Code Section 7056 and approving a Consultant Services Agreement with MuniServices to audit Sales, Transactions and Use Tax.
5. **Resolution No. 2013-84** rejecting all bids for the Whitmore Avenue Interchange Landscape Project and directing Staff to rebid the project. PULLED FOR FURTHER DISCUSSION

ACTION: It was moved by Ingwerson/Seconded by Kline to approve Consent Calendar Items 1, 2 and 4 as recommended by staff. **Motion passed with Mayor Vierra excused (4/0/1)**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. **Resolution No. 2013-82** approving Fiscal Year 2012-2013 carryover appropriations and amending the 2013-2014 Budget.

Item pulled by Len Shepherd, resident for minor clarification.

ACTION: It was moved by Kline/Seconded by Durossette to approve **Resolution No. 2013-82** approving Fiscal Year 2012-2013 carryover appropriations and amending the 2013-2014 Budget. **Motion passed with Mayor Vierra excused (4/0/1)**

5. **Resolution No. 2013-84** rejecting all bids for the Whitmore Avenue Interchange Landscape Project and directing Staff to rebid the project.

Item pulled by Councilmember Kline for clarification as to why the bids were rejected. Staff responded that the bids were rejected because three of the four bids had irregularities and the 4th bid was \$200,000 over the engineer's estimate.

ACTION: It was moved by Kline/Seconded by Durossette to approve **Resolution No. 2013-84** rejecting all bids for the Whitmore Avenue Interchange Landscape Project and directing Staff to rebid the project. **Motion passed with Mayor Vierra excused (4/0/1)**

UNFINISHED BUSINESS – None.

PUBLIC HEARING

6. Public Hearing – to consider **Ordinance No. 2013-1018** approving a Zoning Ordinance Text Amendment (13-03 ZOTA), a proposal to amend the City Zoning Ordinance to allow Cottage Food Operations as an accessory residential use as required per California State Law Assembly Bill No. 1616. **First Reading and Introduction.**

James Michaels, Associate Planner, gave a brief overview of the item.

7:46 p.m. Vice Mayor Lane opened the Public Hearing

7:46 p.m. There being no one wishing to speak Vice Mayor Lane closed the Public Hearing.

ACTION: It was moved by Kline/Seconded by Ingwerson to waive first reading and have the **Ordinance No. 2013-1018** 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. 2013-1018, Ordinance amending Title 18 of the Ceres Zoning Ordinance to amend Sections 18.04.002, 18.10.060, 18.12.060, 18.14.060, 18.16.060 and 18.18.060, as applicable to the zoning definitions section and residential zone districts in an effort to allow cottage food operations (as an accessory use) as required per California State Law Assembly Bill No. 1616.”

ACTION: It was moved by Kline/Seconded by Durossette to approve **Ordinance No. 2013-1018** Ordinance amending Title 18 of the Ceres Zoning Ordinance to amend Sections 18.04.002, 18.10.060, 18.12.060, 18.14.060, 18.16.060 and 18.18.060, as applicable to the zoning definitions section and residential zone districts in an effort to allow cottage food operations (as an accessory use) as required per California State Law Assembly Bill No. 1616; for first reading and introduction. **Motion carried with Mayor Vierra excused. (4/0/1)**

NEW BUSINESS – None.

7:47 p.m. Adjourned as the City Council to meetings of the Successor Agencies of the Former Ceres Redevelopment Agency and the former Stanislaus Ceres Redevelopment Commission.

7:52 p.m. Reconvene as City Council

COUNCILMEMBER REFERRALS - None

REPORTS

Council and Staff reported on various recent and upcoming events including the ongoing RIM Fire, the Valley Vision Stanislaus Public Workshop taking place on August 27th and various roadwork projects throughout town.

7:58 p.m. Vice Mayor Lane adjourned the City Council Meeting to Closed Session.

CLOSED SESSION

~~PUBLIC EMPLOYEE EVALUATION/APPOINTMENT~~ - REMOVED FROM AGENDA

~~Title: Contract Labor Negotiator~~

~~Pursuant to Gov't. Code Section 54957(b)~~

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION – ADDED TO AGENDA

Citizens for Ceres v. City of Ceres, et al: CEQA Action challenging Three-Way Stop at the intersection of Fowler Rd. and Lunar Drive

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8:17 p.m. Vice Mayor Lane reconvened in Open Session with nothing to report

8:17 p.m. There being no further business, Vice Mayor Lane adjourned the meeting.

/s/Ken Lane, Vice Mayor

/s/Cindy Heidorn, City Clerk