

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
January 24, 2005**

Prior to the calling to order of the January 24, 2005 Council Meeting, Mayor Moore requested a moment of silence in honor of Sgt. Howie Stevenson.

The meeting of the City Council was called to order at 7:00 PM by Mayor Moore with the following in attendance:

Vice Mayor Mantarro-Moore, Council Members Phipps, Cannella, Vierra and Mayor Moore.

Also Present were City Attorney Mike Lyons, Planning and Community Development Director Randy Hatch, Director of Parks, Recreation and Facilities Doug Lemcke, Director of Management Services Bonnie White Silveria, Director of Finance Sheila Cumberland, Director of Public Safety Art deWerk and City Clerk Brenda Scudder Herbert.

Invocation was given by Pastor Dave Broyles, Ceres Christian Church.

Pledge of Allegiance to the flag was led by Mayor Moore.

Presentations

A. Jim DiMartini, Stanislaus County Board of Supervisor District 5.

Approval of the Minutes M/S Mantarro-Moore/Phipps to approve the minutes of the November 22 and December 13, 2004 meetings. Vote 5/0.

Citizen Communication

Kathy Griffin 2228 Semini Circle, Ceres glad invocation was done, was glad to see the Scouts present at the meeting and gave her condolences to the families of Sgt. Stevenson and Officer Ryno. She also made comments regarding a home that is being built behind her home. She would like intervention so that the homeowners cannot look into her back yard. She feels that it is an infringement on her rights.

Leonard Sheppard, 2841 Fowler Road, made comments regarding a newspaper article he read about a gentleman's property.

Don Donaldson, 2305 Joy Avenue, made comments regarding vandalism done at the school gym. Would like to have a town hall meeting regarding gangs and wants to know how the Council is going to handle the situation.

Robert Casey, 2821 Joy Avenue, made comments regarding the increase in license fees for animals in Stanislaus County.

Steve Breckenridge, 2841 Fowler Road, asked about the Executive Session on the Agenda.

Barry Butrica, 1816 Stonehenge, spoke regarding the parking situation at Caswell School.

Approval of the Agenda as posted or amended and certification of posting. M/S Mantarro/Phipps to approve the agenda as amended. Vote 5/0.

Consent Calendar

M/S Cannella/Mantarro-Moore to approve Items 1 – 8, 10 - 13, 15 & 16, 18 – 20. Vote 5/0.

1. General Correspondence – **Information Only**
 - A. Quarterly Grant Update.
 - B. Management Services 2nd Quarter Fiscal Year 04/05 Activity Report.
 - C. Alcoholic Beverage Control Sales License.
 - D. Finance Department Monthly Report for November 2004.
 - E. Treasurer's Report for October 2004.
 - F. Municipal Utilities Monthly Report for December 2004.
 - G. Public Works Department Monthly Report for December 2004.
2. Register of Audited Demands dated January 3, 2005 and January 14, 2005.
3. Acceptance of audited financial reports for the period ending June 30, 2004.
4. **Resolution No. 2005-01** rejecting the claim of Salvador Jauregui.
5. **Resolution No. 2005-02** approving the renewal of website contract with Alpha Internet Systems, Inc.
6. **Resolution No. 2005-03** approving the operating plan for Public, Education and Government (PEG) Equipment and Facilities for grant application to Charter Communications for council video equipment.
7. Set date of March 4th, 5th, and 6th, 2005 for the 2005 Team Building Workshop.
8. **Resolution No. 2005-04** approving annexation map and declaring its intent to annex certain territory to the City of Ceres Community Facilities District No. 1 (public service) and to levy a special tax therein to finance certain public services in and for such territory.
9. **PULLED Resolution No. 2005-05** amending the FY 2004-2005 Budget, appropriating funds for MuniFinancial for Landscape and Lighting District Formation Services to the City of Ceres.

M/S Phipps/Vierra to approve Resolution No. 2005-05. Vote 5/0.

10. **Resolution No. 2005-06** approving lot line adjustment for Rafael Barajas, Maria Barajas & Juan G. Sanchez, Juan Sanchez being in the northeast quarter of Section 14, Township 4S, Range 9E, MDB & M-2901 Don Pedro Road & 3613 Archcliffe Drive.

11. **Resolution No. 2005-07** approving lot line adjustment for Douglas S. Williams, Catalina Williams & Darrell Ledbetter being in the northeast quarter of Section 15, Township 4S, Range 9E, MDB & M-1757 & 1771 Heavenly Way.

12. **Resolution No. 2005-08** accepting Street Improvement Agreement from Luzviminda Centeno as security for the postponement of required sidewalks, gutters, curbs and matching pavement.

13. **Resolution No. 2005-09** approving the CNG Vehicle Lease Agreement between the City of Ceres and Storer Transit Systems.

14. **PULLED Resolution No. 2005-10** requesting the legislature to amend the California Government Code to provide and expedited procedure for annexing areas to an existing Community Facility District.

M/S Mantarro-Moore/Phipps to approve Resolution No. 2005-10. Vote 5/0.

15. **Resolution No. 2005-11** accepting the Final Map of the Ortiz Subdivision at Eastgate, approving the Land Division Improvement Agreement.

16. **Resolution No. 2005-12** stating its intent and ordering the annexation of the Ortiz Subdivision at Eastgate to the Landscape and Lighting District.

17. **PULLED Resolution No. 2005-13** approving an agreement with Ceres Youth Baseball for the use of Costa Fields.

M/S Cannella/Phipps to approve Resolution No. 2005-13. Vote 5/0.

18. **Resolution No. 2005-14** accepting the subdivision improvements for Changason Estates as complete, accepting the dedications and authorizing the filing of the Notice of Completion.

19. **Resolution No. 2005-15** accepting the Waste Water Treatment Plant Export Pump Station Project as complete, approve the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and Payment to the Contractor.
20. **Resolution No. 2005-16** amending the 2004/2005 budget to appropriate funds for MuniFinancial for the completion of the Community Facilities District Report and provide assistance for the Annual Levy.

Unfinished Business

21. **Ordinance No. 2005-937** amending Section 16.08.040 Subpart B of the Ceres Municipal Code on calculating Public Facility Fees. (**Second reading and Adoption**)

Doug Lemke gave report on this Item.

M/S Mantarro-Moore/Vierra to have Ordinance read by Title and Number only. Vote 5/0. M/S Mantarro-Moore/Vierra to approve for Second Reading and Adoption. Vote 5/0.

New Business

22. **Ordinance No. 2005-938** amending Section 9.50.120 of the Ceres Municipal Code to add additional regulations prohibiting the use of tobacco products in or about Smyrna Park. (**Introduction and First Reading**)

Doug Lemke gave report on this Item.

Brian England, President of Ceres Youth Baseball spoke in favor of this Ordinance.

Mary Sherwood, spoke in favor of Ordinance.

Leonard Sheppard, spoke on taking citizens rights away.

Jeff Gilmore, spoke in regards to people smoking at the fields.

Don Donaldson made comments regarding cigarettes.

Steve Breckenridge, made comments regarding smoking and socialism.

Melissa Nava, made comments regarding her son and his being allergic to cigarette smoke.

Jim Perneti, deem all fields as playground equipment.

M/S Cannella/Vierra to have Ordinance No. 2005-938 read by Number and Title only. Vote 5/0. M/S Cannella/Vierra to approve Ordinance No. 2005-938 for Second Reading and Adoption. Vote 4/1/0 with Councilmember Mantarro Moore voting no.

23. Council Direction regarding whether to stop or continue the issuance of temporary use permits for transient vendors pending consideration of proposed ordinance amendment.

Randy Hatch gave report on this item.

M/S Cannella/Mantarro to limit the issuance of temporary use permits for transient vendors to non-profit organizations only, pending the approval of the ordinance. Vote 5/0.

Reports

Mayor, Vice Mayor, Council and Staff gave reports on various city related events and issues.

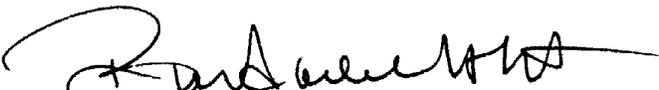
Adjournment

Mayor Moore adjourned the Council Meeting at 9:30 PM.

Closed Session – None


DeLinda Moore, Mayor

ATTEST:


Brenda Scudder Herbert, City Clerk

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