

**CERES CITY COUNCIL
MEETING MINUTES
February 14, 2005**

A regular meeting of the City Council of the City of Ceres was called to order at 7:00 p.m. in the City Council Chambers located at 2220 Magnolia Street, with Mayor Moore presiding.

Present: Councilmembers Cannella, Mantarro Moore, Phipps, Vierra, Mayor Moore
Absent: None

INVOCATION: Pastor Pike Robinson, Valley Christian Center.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Moore.

PRESENTATIONS

- A. Presentation by Keith Boggs, Stanislaus County CEO's Office, regarding travel and tourism in Stanislaus County.

Keith Boggs, Stanislaus County CEO's office gave an update on The Tourism Roundtable Strategic Plan for 2004-2006. The purpose of the Roundtable is to promote a regional perspective for economic development with an emphasis on local travel and tourism.

APPROVAL OF THE MINUTES of the regular meeting of January 24, 2005.

It was moved/seconded by Cannella/Phipps to approve the minutes of January 24, 2005 with the following changes:

Item #22 – Vote should be changed to: Vote 4/1 with Councilmember Mantarro Moore voting No.

Item #23 – M/S Cannella/Mantarro Moore to limit issuance of temporary permits to non-profit organizations only pending the approval of the ordinance. Vote 5/0.

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (ten minutes).

Rhonda Bellomy, 2020 Shushan Drive. Ms. Bellomy expressed concerns regarding the condition of the wood fence and trees which abut the rear of her residential property. She stated that the property owner of the business which abuts the rear of her property refuses to make improvements to the fence. The trees are causing damage to Ms. Bellomy's property and she appealed to the City Council to take action against the adjacent property owner. After some Council discussion as to the City's authority to intervene in the matter, City Attorney, Michael Lyons, explained that the fence and trees are on private property and the City has no authority to require the property owner to make any changes. Mr. Lyons recommended that she seek private legal counsel to resolve her issue.

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

It was moved/seconded by Cannella/Phipps to approve the agenda as posted and certification of posting. Motion passed unanimously (5/0).

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. Parks, Recreation and Facilities monthly report for December, 2004.
 - b. Treasurer's Reports for November and December, 2004.
 - c. Sales Tax Digest Summary for Fourth Quarter collection of Third Quarter Sales.
 - d. Mid-Year Budget Report.
 - e. Memo from City Attorney regarding increase in CFD fees.
2. Register of Audited Demands dated February 4, 2005.
3. Formation of an Ad Hoc Committee for the development of a memorial for Sergeant Howard Stevenson. ***Pulled for further discussion.***
4. Appointment of Gary Del Nero and Bryan Bowman to the Ceres Planning Commission. ***Pulled for further discussion.***
5. Set public hearing date of March 14, 2005 to consider a proposal to amend the General Plan to change the designation of a 3.97+/- acre parcel from C-C, Community Commercial to MDR, Medium Density Residential; to amend the Westpointe Master Plan land use designation on the same parcel from C-2, Community Commercial to R-3, Medium Density Residential, and to consider an appeal of the Planning Commission's denial of a PC Development Plan and subdivision of a total of 13.03 acres into 95 residential lots, 14 of which will contain duplexes at the southwest corner of Whitmore Avenue and Malik Drive (APN's 986-016-035 and 086-016-056. Application Numbers 04-41 GPA / 04-42 PCDP / 04-43 VTSM / 04-44 Westpointe Master Plan Amendment; Joe Wu, applicant. ***Pulled for further discussion.***
6. Set public hearing date of February 28, 2005 to consider an appeal of a Planning Commission denial of the Vesting Tentative Parcel Map and Variance applications to create two lots less than the 6200 square foot R-1 standard at 2215 6th Street. Application Numbers 04-52 VTPM and 04-53 VAR, Darrel Ledbetter, applicant.
7. City Council approval to hire a temporary Planning Technician. ***Pulled for further discussion.***
8. City Council approval to promote an Associate Planner to Senior Planner. ***Pulled for further discussion.***
9. **Resolution No. 2005-18** directing the Director of Public Works to sign all documents, assurances and statements in regards to any and all Regional Surface Transportation Program Activities for the Federal Fiscal Years 2005-2006, 2006-2007, 2007-2008, 2008-2009,2009-2010.

10. **Resolution No. 2005-19** accepting the Final Map of The Enclave Subdivision, approving the Land Division Improvement Agreement, and rejecting the offer of dedication of street right-of-way.
11. **Resolution No. 2005-20** annexing the Enclave Subdivision to the Landscape and Lighting District.
12. **Resolution No. 2005-21** approving Contract Change Order #1, 2004 Play Equipment Access Project.
13. **Resolution No. 2005-_____** accepting the Final Map of Pinehurst South Unit No. 2. ***Pulled for further discussion.***
14. **Resolution No. 2005-_____** annexing Pinehurst South Unit No. 2 Subdivision to the Landscape and Lighting District. ***Pulled for further discussion.***
15. Authorization to proceed with a Request for Proposal for landscape maintenance services for the Ceres River Bluff Regional Park.
16. **Resolution No. 2005-_____** authorizing the Director of Public Safety to sign and approve a letter of agreement with Ceres Unified School District for the 2005 School Community Policing Partnership Program Grant. ***Pulled for further discussion.***
17. **Resolution No. 2005-25** amending the budget to appropriate funds to purchase or replace trailer for building maintenance for sound system.

It was moved/seconded by Mantarro Moore/Phipps to approve Consent Calendar Items 1, 2, 6, 9, 10-12, 15 and 17 as recommended by staff and directed the City Attorney to agendize an Ordinance amendment for Item 1e for the Council Meeting of February 28, 2005. Motion carried unanimously. (5/0)

3. Formation of an Ad Hoc Committee for the development of a memorial for Sergeant Howard Stevenson.

It was moved/seconded by Vierra/Cannella to form an Ad Hoc Committee for the development of a memorial for Sergeant Howard Stevenson. Motion carried unanimously. (5/0)

The following individuals were appointed: Mayor Moore representing the City and Soroptomists International, Councilmember Phipps representing the City and the Lyons Club, Tim Kerr, City Manager, Doug Lemcke representing the Rotary, Richard Felix representing Kiwanis International, Barbariae Baker, citizen-at-large and Ron Richter, family friend.

4. Appointment of Gary Del Nero and Bryan Bowman to the Ceres Planning Commission.

Council directed staff to draft certificates for the departing Planning Commissioners for presentation at the City Council Meeting on February 28, 2005.

It was moved/seconded by Cannella/Phipps to approve the appointments of Gary Del Nero and Bryan Bowman to the Planning Commission. Motion carried unanimously. (5/0).

5. Set public hearing date of March 14, 2005 to consider a proposal to amend the General Plan to change the designation of a 3.97+/- acre parcel from C-C, Community Commercial to MDR, Medium Density Residential; to amend the Westpointe Master Plan land use designation on the same parcel from C-2, Community Commercial to R-3, Medium Density Residential, and to consider an appeal of the Planning Commission's denial of a PC Development Plan and subdivision of a total of 13.03 acres into 95 residential lots, 14 of which will contain duplexes at the southwest corner of Whitmore Avenue and Malik Drive (APN's 986-016-035 and 086-016-056. Application Numbers 04-41 GPA / 04-42 PCDP / 04-43 VTSM / 04-44 Westpointe Master Plan Amendment; Joe Wu, applicant.

Councilmember Cannella recused himself from the dais citing a conflict of interest.

It was moved/seconded by Phipps/Vierra to set the Public Hearing date of March 14, 2005 to consider Item 5 as recommended by staff. Motion carried with Councilmember Cannella abstaining. (4/0/1).

7. City Council approval to hire a temporary Planning Technician.

Councilmember Cannella asked for clarification that this was a temporary assignment to fill a vacancy in the department created by the extended absence of a full-time Planning Technician.

Randy Hatch, Director of Planning and Community Developed, concurred that this position is temporary pending the return of the full-time employee.

Council directed staff to notify the full-time Planning Technician of their actions and further directed staff to reevaluate staffing needs upon the return of the employee and if necessary, return to Council with a request to extend the employment of the Temporary Planning Technician.

It was moved/seconded by Cannella/Vierra to approve the hiring of a temporary Planning Technician as recommended by staff. Motion carried unanimously. (5/0)

8. City Council approval to promote an Associate Planner to Senior Planner.

Councilmember Cannella commended the Associate Planner for a job well done.

It was moved/seconded by Councilmembers Cannella/Phipps to approve the promotion of an Associate Planner to Senior Planner as recommended by staff. Motion carried unanimously. (5/0).

13. **Resolution No. 2005-_____** accepting the Final Map of Pinehurst South Unit No. 2.

14. **Resolution No. 2005-_____** annexing Pinehurst South Unit No. 2 Subdivision to the Landscape and Lighting District.

Items 13 and 14 were acted on in one motion. Councilmember Vierra recused himself from the dais citing a conflict of interest.

RESOLUTION NO. 2005-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES ACCEPTING THE FINAL MAP OF THE PINEHURST SOUTH UNIT NO. 2 SUBDIVISION.

RESOLUTION NO. 2005-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES STATING ITS INTENT AND ORDERING THE ANNEXATION OF THE PINEHURST SOUTH UNIT NO. 2 SUBDIVISION TO THE LANDSCAPE AND LIGHTING DISTRICT.

It was moved/seconded by Mantarro Moore/Phipps to approve **Resolutions No. 2005-22 and 2005-23** as recommended by staff. Motion passed by the following vote: (4/0/1)

AYES: Councilmembers Cannella, Mantarro Moore, Phipps, Mayor Moore
NOES: None
ABSENT: None
ABSTAIN: Councilmember Vierra

- 16. Resolution No. 2005-_____** authorizing the Director of Public Safety to sign and approve a letter of agreement with Ceres Unified School District for the e2005 School Community Policing Partnership Grant.

It was moved/seconded by Mantarro Cannella/Phipps to approve **Resolution No. 2005-24** as recommended by staff. Motion passed by the following vote: (4/0/1)

AYES: Councilmembers Cannella, Phipps, Vierra, Mayor Moore
NOES: None
ABSENT: None
ABSTAIN: Councilmember Mantarro Moore

UNFINISHED BUSINESS

- 18. Ordinance No. 2005-938** amending Section 9.50.120 of the Ceres Municipal code to add additional regulation prohibiting the use of tobacco products in or about Smyrna Park. **(Second Reading and Adoption)**

It was moved/seconded by Phipps/Vierra to waive second reading and direct the clerk read the Ordinance by number and title only. Motion carried unanimously. (5/0).

Ordinance No. 2005-938

AN ORDINANCE AMENDING SECTION 9.50.090 OF THE CERES MUNICIPAL CODE, TO ADD A PROVISION PROHIBITING THE USE OF TOBACCO PRODUCTS IN OR ABOUT THE SMYRNA PARK BASEBALL COMPLEX

It was moved/seconded by Cannella/Vierra to adopt **Ordinance 2005-938** as recommended by staff. Motion carried by the following vote: (4/1/0)

AYES: Councilmembers Cannella, Phipps, Vierra, Mayor Moore
NOES: Councilmember Mantarro Moore
ABSENT: None

NEW BUSINESS

19. **Resolution No. 2005-_____** approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's vehicle license fee receivable from the state; and directing and authorizing certain other actions in connection therewith.

Tim Kerr, City Manager, gave a brief overview of the staff report. Council and staff discussed the advantages entering into the purchase and sale agreement to receive the VLF funds now as opposed to waiting to see if the State will pay them next year. Staff assured Council that there was no risk to the City if we enter into the agreement and then the State decides to not pay back the VLF funds.

RESOLUTION NO. 2005-26

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S VEHICLE LICENSE FEE RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

It was moved/seconded by Cannella/Vierra to approve **Resolution 2005-26** as recommended by staff. Motion carried by the following vote: (5/0).

AYES: Councilmembers Cannella, Mantarro Moore, Phipps, Vierra, Mayor Moore

NOES: None

ABSENT: None

20. Possible Consideration of Proposed Amendment to the Solicitation Ordinance.

Mike Lyons, City Attorney gave an overview of the staff report stating that if we did amend the ordinance we could not discriminate between non-profit organizations and other vendors.

Councilmembers Cannella and Mantarro Moore expressed support for the proposed amendments so that organizations such as Kids Day and Fill-The-Boot could hold their annual fund raisers.

Mayor Moore expressed concerns over the permit being available to everyone and the possibility of an increase in the number of panhandlers.

Captain Mike Dickenson, representing the Salvation Army, addressed Council. Captain Mike discussed the importance of Kids Day to raise funds to support the after school programs at the Red Shield which services the community of Ceres. He urged Council to support the ordinance amendment.

Councilmember Phipps stated that he also supported a proposed amendment but stated that we would need to give consideration to how we issued permits to large groups.

It was moved/seconded by Cannella/Phipps to amend the solicitation ordinance. Motion Carried unanimously. (5/0) Council directed staff to agendize the amendment on the City Council meeting of February 28, 2004.

REPORTS

Mayor, Vice Mayor and Council gave reports on various city related events and issues including the Superbowl Breakfast, Lions Crab Feed and the Chamber Mixer. Councilmember Mantarro requested that staff look into increasing Ceres visibility in the "Spend the Day" brochure distributed during Mr. Boggs presentation.

Staff reported on various projects including the Whitmore Avenue overpass project, park playground equipment installation and the new storage/training building at the corporation yard. Mr. Hatch also reported on the Valentine's Day permitting process stating that 6 permits were issued for non-profit and charitable groups. Code Enforcement found 8 vendors operating without permits. He also reported that the VIPS were out on the weekend enforcing illegal sales.

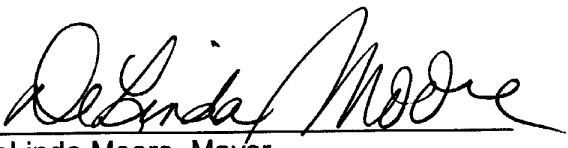
Upcoming Meetings and events include:

Ceres Street Fair May 7 & 8th
Rotary Crab Feed February 26th
Brown Neighborhood Group Meeting February 17th
Town Hall Meeting – date and location to be announced soon.

Council Adjourned to Closed Session.

Council Reconvened in Open Session with no action to report.

There being no further business, Council adjourned at 9:27 p.m. to the Review of City Services Workshop on February 15, 2005 at 6:00 p.m. in the Council Chambers.


DeLinda Moore, Mayor

ATTEST:

Cindy Heidorn, Deputy City Clerk

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