

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
February 28, 2005**

The regular meeting was called to order at 7:00 p.m. by Vice Mayor Mantarro-Moore with the following in attendance.

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

EXCUSED: Moore

ALSO PRESENT: City Manager Tim Kerr, City Attorney Mike Lyons, Director of Management Services Bonnie White Silveria, Director of Planning and Community Services Randy Hatch, Director of Public Works Joe Hollstein, Director of Parks, Recreation and Facilities Doug Lemcke, Director of Municipal Utilities Steve Wilson, Director of Public Safety Art de Werk, Director of Finance Sheila Cumberland and City Clerk Brenda Scudder Herbert.

INVOCATION was given by Council Member Anthony Cannella.

PLEDGE OF ALLEGIANCE was led by Mayor Moore.

PERSENTATIONS

- A. Recognition of Anthony Perata for Completion of his Eagle Scout Project.
- B. Recognition of Teri Tillman and Dan' Adams for their years of service on the City Ceres Planning Commission.
- C. Fred Harper, Employee of the Quarter, 4th Quarter 2004.
- D. Vanessa Czopek and Debbie Johnson, County Librarians - Stanislaus County Library Annual Report for Fiscal Year 2003-2004.

APPROVAL OF THE MINUTES of the Regular meeting of February 14, 2005.
M/S Phipps/Vierra to approve the minutes as amended to reflect Item 16 including Vote of 4/0/1 (Mantarro-Moore abstaining). Vote 4/0.

CITIZEN COMMUNICATION

Leonard Sheppard, 2841 Fowler Road, Ceres, read in the Modesto Bee and Ceres Courier about the recent smoking ban, each newspaper had a different version of the story and wanted to know what version was correct. Thought that the Chief de Werk's article was a great one, feels that Our Police and Fire do an excellent job.

Don Donaldson 2305 Joy Avenue, Ceres, feels we need more after school activities.

APPROVAL OF THE AGENDA AS POSTED OR AMENDED AND CERTIFICATION OF POSTING M/S Vierra/Phipps to approve. Vote 4/0.

CONSENT CALENDAR – M/S Cannella/Phipps to approve 1 – 4, 7 & 11. Vote 4/0.

1. General Correspondence – Information Only.
 - A. Parks, Recreation and Facilities Monthly Report for January 2005.
 - B. Municipal Utilities Department Report for January 2005.
 - C. Finance Department Monthly Report for December 2004.
 - D. Public Works Monthly Report for January 2005.
 - E. Building Division Monthly Report for December 2004 and January 2005.
2. Approval of Register of Audited Demands dated February 18, 2005.
3. **Resolution No. 2005-27** Reappointing Barbariae Baker and Darwin Borges to serve on the Tuolumne River Regional Park Citizens Advisory Committee for a term to expire December 31, 2006.
4. Appoint Margaret Loucks to serve on the Concerts in the Park Committee.
5. Authorization to go to bid for Phase 2A of the Upper Portion of the River Bluff Regional Park and excavation of storm drain basin. **PULLED**
6. Approval of the conceptual plan for the Lower Portion of the River Bluff Regional Park. **PULLED**
7. **Resolution No. 2005-28** declaring certain vehicles surplus and authorizing their disposal.
8. **Resolution No. 2005-29** awarding the Hatch Road Sewer Main & Sewer Lift Station Project and approving budget amendment. **PULLED**
9. **Resolution No. 2005-30** accepting subdivision improvements for Miller Industrial Park as complete and accepting the dedications and authorizing filing of the Notice of Completion. **PULLED**
10. Set the dates of June 3rd, 4th and 5th, 2005 for the 2005 Team Building Workshop. **PULLED**
11. Set Public Hearing date of March 28, 2005 to consider a proposal to amend the General Plan to change the designation of an approximate 0.72 acre area from Community Commercial to Medium Density Residential to allow the development of five duplexes at 1530 E. Hatch Road. (Application No.04-46 GPA, Flying Rhino Development Inc., applicant.

ITEMS PULLED

5. Authorization to go to bid for Phase 2A of the Upper Portion of the River Bluff Regional Park and excavation of storm drain basin. **Council Member Phipps was excused from this Item due to a conflict.**

Don Donaldson, 2305 Joy Avenue asked if the soccer participants were going to be required to pay the \$3.00 feel to the City like the CYB participants do.

Jim Phipps, 3329 Golf Links Road, made comments regarding the Upper Portion also had comments regarding the Overflow from Eastgate Community. He also has concern about the Holding Ponds, and the environmental documents.

M/S Cannella/Vierra to approve with modifications to include cost for restrooms. **Vote 3/0/1 (Phipps abstaining)**

6. Approval of the conceptual plan for the Lower Portion of the River Bluff Regional Park. **Council Member Phipps was excused from this Item due to a conflict.**

Jim Phipps, 3329 Golf Links Road, has issues with this Item, he is not satisfied with Staff's answers.

M/S Vierra/Cannella to approve with the ability to make changes. **Vote 3/0/1 (Phipps abstaining)**

8. **Resolution No. 2005-29** awarding the Hatch Road Sewer Main & Sewer Lift Station Project and approving budget amendment. **Council Member Phipps was excused from this Item due to a conflict.**

M/S Vierra/Cannella to approve Resolution No. 2005-29. **Vote 3/0/1 (Phipps abstaining).**

9. **Resolution No. 2005-30** accepting subdivision improvements for Miller Industrial Park as complete, accepting the dedications and authorizing filing of the Notice of Completion. **Council Member Cannella as excused from this Item due to a conflict.**

M/S Vierra/Phipps to approve Resolution No. 2005-30. **Vote 3/0/1 (Cannella abstaining).**

10. Set the dates of June 3rd, 4th and 5th, 2005 for the 2005 Team Building Workshop.

Staff to research 2006 dates.

PUBLIC HEARING

12. **Resolution No. 2005-31-B** to consider an appeal of Darrell Ledbetter to the Planning Commission denial of his 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, Darrell Ledbetter, applicant.

Resolution No. 2005-32 approving a Vesting Tentative Parcel Map to subdivide one 11,828 Square Foot Parcel into Two 5,914 Square Foot Parcels for the development of two single-family homes at 2215 Sixth Street. (Application No. 04-52 VTPM)

Director of Planning and Community Development Randy Hatch gave report on this Item.

Vice Mayor Mantarro-Moore opened the Public Hearing.

Rebecca Jones, 2203 6th Street spoke regarding her opposition to the parcel split.

Max Garcia representing Mr. Ledbetter made comments regarding why the split is a good one and how it will benefit the neighborhood.

Vice Mayor Mantarro-Moore closed the Public Hearing and brought it back to the Council for a decision.

M/S Vierra/Phipps to approve Resolution No. 31 B with #8 added. Vote 4/0.

M/S Vierra/Phipps to approve Resolution No. 2005-32. Vote 4/0.

NEW BUSINESS

- 13. Ordinance No. 2005-939, Amending Certain Provisions of Chapter 3.46 of the Ceres Municipal Code Relating to the Imposition of New Residential Development Service Operations Fees (Introduction and First Reading).**

Mike Lyons gave report on this Item.

M/S Cannella/Vierra to have Clerk read by Number and Title only. Vote 4/0. M/S Cannella/Vierra to approve for introduction and First Reading. Vote 4/0.

- 14. Ordinance No. 2005-XXX Amending the City of Ceres Municipal Code to add TITLE 19, Establishing new procedures for Code Enforcement procedures and remedies (Introduction and First Reading).**

Mike Lyons gave report on this Item.

Council took no action, this Item will come back to a future meeting.

- 15. Ordinance No. 2005-940 Amending Title 9, Chapter 9.52 of the Ceres Municipal Code to add a new Section 9.52.035 Creating an Exception to the Prohibition of Certain Solicitation Activities. (Introduction and First Reading).**

Mike Lyons gave report on this Item.

M/S Phipps/Cannella to have Ordinance No. 2005-940 read by Number and Title only. Vote 4/0. M/S Phipps/Cannella to approve for Introduction and First Reading. Vote 4/0.

- 16. Council consideration of the appointment of a City Council subcommittee to assist with CFD #3.**

City Manager Tim Kerr gave report on this Item.

Council Member's Cannella and Vierra to serve on subcommittee.

17. **Resolution No. 2005-33** amending Fiscal Year 2004-05 Budget to appropriate funds for critical needs covering training and equipment for the Department of Public Safety Police and Fire Division.

Chief de Werk, Director of Public Safety gave report on this Item.

M/S Phipps/Cannella to go out and get Specs on everything with the exception of the wall. Vote 4/0.

18. Informational Update: Fire Station No. 4 Land Acquisition Activities.

No action required of this Item.

REPORTS

Vice Mayor, Council Member and staff gave report on various City related activities and meetings.

CLOSED SESSION

Conference with Labor Negotiators

Agency designated representative: Bonnie White Silveria Employee organization: Department of Public Safety Firefighters Association. Pursuant to Government Code Section 54957.6

ADJOURNMENT Vice Mayor Mantarro-Moore adjourned the meeting at 10:35 p.m.


Lisa Mantarro Moore, Vice Mayor

ATTEST:


Brenda Scudder Herbert, City Clerk

