

**CERES CITY COUNCIL  
REGULAR MEETING MINUTES  
April 25, 2005**

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

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

**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 Pastor Brent Mitchell, Harvest Presbyterian Church.

**PLEDGE OF ALLEGIANCE** to the flag led by Mayor Moore.

**PRESENTATIONS**

- A. Proclamation proclaiming April 25 through May 1, 2005 West Nile Virus and Mosquito and Vector Control Awareness Week.

**CITIZEN COMMUNICATION**

Don Donaldson 2305 Joy Avenue, made comments regarding flooding on the lower portion of the River Bluff Regional Park. He also had questions regarding the landscaping and lighting district fees

**APPROVAL OF THE AGENDA AS POSTED OR AMENDED AND CERTIFICATION OF POSTING M/S Mantarro-Moore/Phipps. Vote 5/0.**

**CONSENT CALENDAR – M/S Cannella/Phipps to approve 1 b-e – 5, 7 – 9 & 13. Vote 5/0.**

**1. General Correspondence – Information Only**

- A. Quarterly Budget Report. **PULLED**
- B. Sales Tax Digest, 4th Quarter Sales, 2004.
- C. Municipal Utilities Department Monthly Report for March 2005.
- D. Building Division Monthly Report for March 2005.
- E. Application to 2005 Assistance to Firefighters Grant for Personal Protective Equipment and Department Equipment.

**2. Approval of Register of Audited Demands dated April 14, 2005.**

**3. Set Public Hearing date of May 23, 2005 to consider the modification of the Ceres Zoning Ordinance regarding Temporary Use Permits. (04-27 ZOTA, City of Ceres, applicant).**

4. Set Public Hearing date of May 23, 2005 to consider the appeal of the Planning Commission's denial of a variance request to allow the installation of a 10' X 10' double-faced, illuminated freestanding 18' high sign with four line LED message center at the entrance of the Modesto Adventist Academy (Academy Place and Central Avenue). (Application No. 05-01 VAR, Modesto Adventist Academy, applicant).
5. **Resolution No. 2005-72** approving the renewal of the Special Services Agreement with the firm of Caves and Associates.
6. Resolution No. 2005-73 authorization to hire second Water Conservation Officer. **PULLED**
7. **Resolution No. 2005-74** authorization to apply to Stanislaus County "Economic Development Bank" for a loan to prepare Crows Landing Industrial Area Master Plan and Environmental Impact Report.
8. **Resolution No. 2005-75** accepting the notice of Completion for the Police Department HVAC system.
9. Memo changing the schedule for the Citywide Park Maintenance District and the 1987 Landscape and Lighting District.
10. Resolution No. 2005-76 accepting the final map of Capistrano Estates No. 3 subdivision, approving the land division improvement agreement, and rejecting the offer of dedication of street right-of-way. **PULLED**
11. **Resolution No. 2005-77** stating its intent and ordering the annexation of the Capistrano Estates No. 3 subdivision to the Landscape and Lighting District. **PULLED**
12. Resolution No. 2005-78 accepting the Subdivision Improvements for the Claremont Oaks Phase 2 Subdivision. **PULLED**
13. **Resolution No. 2005-79** accepting the Subdivision Improvements for the Blaker Ranch Subdivision.
14. Resolution No. 2005-80 accepting the Subdivision Improvements for the Capistrano Unit No. 2 Subdivision. **PULLED**

**ITEMS PULLED**

- 1a. Quarterly Budget Report.

**M/S Cannella/Phipps to approve this Item. Vote 5/0.**

6. Resolution No. 2005-73 authorization to hire second Water Conservation Officer.

Don Donaldson 2305 Joy Avenue, made comments regarding water.

**M/S Phipps/Mantarro-Moore to approve Resolution No. 2005-73. Vote 5/0.**

- 10. Resolution No. 2005-76** accepting the final map of Capistrano Estates No. 3 subdivision, approving the land division improvement agreement and rejecting the offer of dedication of street right-of-way.

**Council Member Vierra had a conflict and was excused from this Item. M/S Cannella/Phipps to approve Resolution No. 2005-76. Vote 4/0/1.**

- 11. Resolution No. 2005-77** stating its intent and ordering the annexation of the Capistrano Estates No. 3 subdivision to the Landscape and Lighting District.

**Council Member Vierra had a conflict and was excused from this Item. M/S Phipps/Mantarro-Moore to approve Resolution No. 2005-77. Vote 4/0/1.**

- 12. Resolution No. 2005-78** accepting the Subdivision Improvements for the Claremont Oaks Phase 2 Subdivision.

**Council Members Cannella and Vierra had a conflict and were excused from this Item. M/S Phipps/Mantarro-Moore to approve Resolution No. 2005-78. Vote 3/0/2.**

- 14. Resolution No. 2005-80** accepting the Subdivision Improvements for the Capistrano Unit No. 2 Subdivision.

**Council Member Vierra had a conflict of and was excused from this Item. M/S Phipps/Mantarro-Moore to approve Resolution No. 2005-80. Vote 4/0/1**

#### **PUBLIC HEARING**

- 15. Public Hearing – Continued from 3/28/05 and 4/11/05 Resolution No. 2005-XX** 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. 04-06 GPA, Flying Rhino Development Inc., applicant)

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

Bob Bradden 2900 Standford Avenue, Modesto, representative for Flying Rhino made comments regarding the project.

Michael Beckwith, applicant, made several comments regarding project, he is willing to put up fence on West Side of property and asked the Mayor and Council for approval.

Mayor Moore closed the Public Hearing and brought this Item back to Council for a decision.

**M/S Phipps/Mantarro-Moore to approve this Item. Vote 2/3 (Moore, Cannella and Vierra No).**

- 16. Public Hearing – Resolution No. 2005-81** adopting the 2005-2006 HUD CDBG and HOME Project List and Funding Options; Authorizing the City Manager to Sign the Related Agreements with Stanislaus County and the City of Turlock for the HUD CDBG and HOME Programs; and Recommending Adoption of the CDBG Consolidated Plan Update 2005-

2007 and the CDBG Annual Action Plan for FY 2005-06 to the Stanislaus County Board of Supervisors.

Nancy Brown, Housing Coordinator, gave report on this Item.

Mayor Moore opened the Public Hearing. No Public Comment, Mayor Moore closed the Public Hearing and brought it back to Council for a decision.

**M/S Mantarro-Moore/Vierra to approve Resolution No. 2005-81. Vote 5/0.**

17. Public Hearing – **Ordinance No. 2005-944** to consider a proposed Planned Community Master Plan (PCMP) for a mixed commercial/residential project composed of three commercial buildings totaling 20,381 square feet adjacent to Whitmore Avenue with 40 detached/attached residential units to the south with clubhouse, pool and tot lot at 1578 Whitmore Avenue. (Applicant No. 04-13 PCMP, Dinesh Sawhney, applicant).

Randy Hatch, Director of Community Development, gave report on this item.

Mayor Moore opened the Public Hearing.

Dinesh Sawhney, applicant, objects to 5 ft. easement – he is willing to work with ministorage owner. He is asking for approval.

Jim Wyatt, 3530 Service Road, doesn't want to jeopardize commercial with the residential.

John Keasy, feels this is a better project. There is pride of ownership it is gated with wider streets, he is proud of project. He also made additional comments.

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

**M/S Cannella/Mantarro-Moore to have this Ordinance 2005-944 read by Number and Title only. Vote 5/0.**

**M/S Cannella/Vierra to approve Ordinance 2005-944 for Introduction and First Reading with the removal of Condition #5. Vote 5/0.**

## **NEW BUSINESS**

18. Council direction regarding development of an RFP for Commercial Analysis and Marketing Services.

Heidi McNally-Dial, Assistant to the City Manager/Economic Development/Redevelopment, gave report on this item.

Identify all potential sites, small, medium and large and set aside more property for commercial use.

19. Decision by City Council regarding a petition by residents of the River Ranch Subdivision to close cul-de-sac openings. Cannella conflict.

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

Several residents spoke on behalf of the safety of the children living in the River Ranch Subdivision.

**M/S Mantarro-Moore/Moore to accept the petitions and charge the required fee to the home owners. Vote 2/2/1 (Phipps/Vierra No – Cannella Abstention).**

**20. Consideration of fees to be charged for CFD #2.**

Randy Hatch gave report on this item.

**M/S Cannella/Phipps to go with option #2. Vote 5/0.**

**21. Selection of Consultants for Manager/Council Team Building.**

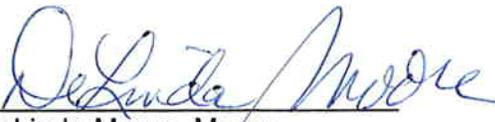
Mike Lyons, City Attorney, gave report on this item.

**M/S Phipps/Vierra to select Dr. Mathis and go with a June date.**

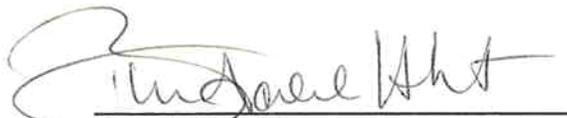
**REPORTS**

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

**ADJOURNMENT** Vice Mayor Mantarro-Moore adjourned the meeting at 10:25 p.m.

  
DeLinda Moore, Mayor

ATTEST:

  
Brenda Scudder Herbert, City Clerk