

**CERES CITY COUNCIL  
REGULAR MEETING MINUTES  
September 12, 2005**

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

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

**INVOCATION** by Pastor Dave Broyles, Ceres Christian Church.

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

**PRESENTATIONS**

- A. Presentation to Rob Coey, for his years of dedication to the City of Ceres.
- B. Proclamation Proclaiming September, 2005, National Prostate Cancer Awareness Month.
- C. Certificate of Recognition to Cub Scout Pack 132 and Honorary Volunteer Helpers for their Smyrna Park Tree Planting Project.

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

Dirk Wyatt, 3525 Mitchell Road, Ceres, requested that Council place an item on the next City Council agenda regarding the annexation of property owned by Mr. Wyatt located near the Ceres River Bluff Regional Park.

Jim Waytt, 3530 Service Road, also requested that the item be placed on the agenda concerning the annexation of the property near Ceres River Bluff Regional Park.

**After some discussion, Council directed staff to place an item on the Council agenda of September 26, 2005, concerning the annexation of the Wyatt Property located near the Ceres River Bluff Regional Park.**

Mr. Leonard Shepherd, 2841 Fowler Road, #71, Ceres, thanked Mayor Moore and Vice-Mayor Mantarro Moore for their service to the City while serving on the City Council. Mr. Shepherd also commented on the outstanding ceremony held on September 11, 2005.

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

It was moved/seconded by Mantarro Moore/Phipps to approve the agenda as posted and certification of posting. Motion carried 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. Monthly Reports for Economic and Redevelopment Activities for July & August, 2005.
  - b. Parks, Recreation and Facilities Monthly Report for July, 2005.
  - c. Public Works Department Monthly Report for July 2005.
  - d. Traffic Safety and Control Committee Minutes of August 23, 2005.
  - e. Finance Department Monthly Report for July 2005.
  - f. Insurance Service Office Classification.
2. Register of Audited Demands dated 8/17/05 – 9/02/05.
3. **Resolution No. 2005-164** approving the renewal of the Test Security Agreement with CPS Human Resource Services.
4. **Resolution No. 2005-165** setting the terms and conditions of employment for the First Line Supervisors/Confidential Bargaining Group.
5. **Resolution No. 2005-\_\_\_\_** approving an agreement with Grover Landscape to provide landscape maintenance services for Ceres River Bluff Regional Park Phase IA. ***Pulled for further discussion.***
6. **Resolution No. 2005-\_\_\_\_** approving a Fiscal Year 2005-06 budget amendment and an agreement with Animal Damage Management to Abate squirrels on the Bluff of Ceres River Bluff Regional Park. ***Pulled for further discussion.***
7. **Resolution No. 2005-168** approving “No Truck Parking” zones on the west side of Morgan Road from Hackett Road to Aristocrat Drive.
8. **Resolution No. 2005-\_\_\_\_** accepting subdivision improvements for the River Oaks Estates Unit No. 2 Subdivision, accepting the dedications, and authorizing the filing of a Notice of Completion. ***Pulled for further discussion.***
9. **Resolution No. 2005-\_\_\_\_** accepting subdivision improvements for the Van Horn Phase II Subdivision, accepting the dedications, and authorizing the filing of a Notice of Completion.
10. **Resolution No. 2005-\_\_\_\_** awarding the River Bluff Regional Park Phase 2A improvements Project to Ross Carroll.
11. **Resolution No. 2005-172** approving handicapped parking on city streets at various locations.
12. **Resolution No. 2005-173** approving “No Parking” at various locations.
13. **Resolution No. 2005-174** authorizing acceptance of 2005 Justice Assistance Grant funds.

14. **Resolution No. 2005-175** authorizing acceptance of 2005 Bulletproof Vest Partnership Grant and approving a Fiscal Year 2005-06 budget amendment to appropriate those funds.
15. **Resolution No. 2005-176** authorizing acceptance of 2005 Assistance to Firefighters Grant and approving a Fiscal Year 2005-06 budget amendment to appropriate those funds.
16. **Resolution No. 2005-\_\_\_\_\_** approving an amendment to the agreement with RRM Design Group dated January 13, 2003, to include the compensation for the design of New Community Center. **(Continued from 8/22/05). Pulled for further discussion.**
17. Council authorization to continue processing applications for the 2002 Park Bond – Youth Soccer & RZH Grants. **Pulled for further discussion.**
18. Council authorization to continue processing application for the 2002 Park Bond – Urban Parks Grant. **Pulled for further discussion.**

**It was moved/seconded by Mantarro Moore/Phipps to Approve Consent Calendar Items 1-4, 7, 9-15 as recommended by staff. Motion carried 5/0.**

5. **Resolution No. 2005-\_\_\_\_\_** approving an agreement with Grover Landscape to provide landscape maintenance services for Ceres River Bluff Regional Park Phase IA.

Councilmember Vierra requested clarification regarding the 3-year/5-year terms of the contract.

Doug Lemcke, Director of Parks, Recreation and Facilities responded stating that the contract terms are firm for three years. At the end of the three year period, the contract will be renegotiated for two more years. If, at the time of renegotiation, neither party can come to an agreement, the contract will be terminated.

Councilmember Cannella commented that he would like to see a clause on cancellation built into the contract.

Mr. Lemcke responded that there is a 6 month termination clause in the RFP.

After further discussion Council decided the contract was acceptable the way it was currently written.

#### **RESOLUTION NO. 2005-166**

#### **A RESOLUTION APPROVING AGREEMENT FOR GROVER LANDSCAPE TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR CERES RIVER BLUFF REGIONAL PARK PHASE I**

It was moved/seconded by Canella/Phipps to approve **Resolutions No. 2005-166** as recommended by staff. Motion passed by the following vote: (5/0)

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

6. **Resolution No. 2005-\_\_\_\_** approving a Fiscal Year 2005-06 budget amendment and an agreement with Animal Damage Management to Abate squirrels on the Bluff of Ceres River Bluff Regional Park.

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

**RESOLUTION NO. 2005-167**

**RESOLUTION APPROVING A BUDGET AMENDMENT FOR SQUIRREL ABATEMENT SERVICES ON THE BLUFF AND LOWER PORTION OF THE CERES RIVER BLUFF REGIONAL PARK**

It was moved/seconded by Cannella/Vierra to approve **Resolutions No. 2005-167** as recommended by staff. Motion passed by the following vote: (4/0/1)

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Phipps

8. **Resolution No. 2005-\_\_\_\_** accepting subdivision improvements for the River Oaks Estates Unit No. 2 Subdivision, accepting the dedications, and authorizing the filing of a Notice of Completion.

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

**RESOLUTION NO. 2005-169**

**RESOLUTION ACCEPTING SUBDIVISION IMPROVEMENTS FOR RIVER OAKS ESTATES UNIT NO. 2 AS COMPLETE, ACCEPTING THE DEDICATIONS AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION**

It was moved/seconded by Cannella/Vierra to approve **Resolution No. 2005-169** as recommended by staff. Motion passed by the following vote: (4/0/1)

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Phipps

16. **Resolution No. 2005-\_\_\_\_** approving an amendment to the agreement with RRM Design Group dated January 13, 2003, to include the compensation for the design of New Community Center. (Continued from 8/22/05).

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

Councilmember Phipps expressed concerns about the City's ability to change the design plans for the community center after the resolution is passed, citing the possibility of the City purchasing additional property surrounding the Community Center should it become available.

Councilmember Phipps felt that the City should wait until we know what land will be available and how large the property will ultimately be so we can design the community center in the most advantageous location.

Councilmember Mantarro Moore stated that she too felt we should do the best job possible in planning and designing the community center however, we owed it to our community to move forward with the plans.

Don Donaldson, 2305 Joy Avenue, Ceres, commented that he felt there was not enough parking in the area for the community center. He further commented that he felt the City has too many projects that are not completed.

#### **RESOLUTION NO. 2005-177**

#### **AMENDING THE CONTRACT WITH RRM DESIGN GROUP FOR THE DESIGN WORK OF NEW COMMUNITY CENTER**

It was moved/seconded by Cannella/Vierra to approve **Resolution No. 2005-177** as recommended by staff. Motion passed by the following vote: (3/1/1)

AYES: Councilmembers Mantarro Moore, Vierra, Mayor Moore

NOES: Councilmember Phipps

ABSENT: None

ABSTAIN: Councilmember Cannella

17. Council authorization to continue processing applications for the 2002 Park Bond – Youth Soccer & RZH Grants.
18. Council authorization to continue processing application for the 2002 Park Bond – Urban Parks Grant.

Councilmember Phipps asked what the end result would be if the City failed to complete the projects in the allotted time frame.

Betina McCoy, Grants Coordinator, explained that if we are awarded to grant funds and we do not begin the project, the City would return the funds at the conclusion of the project period. If the City begins the project but does not complete the project prior to the deadline, the State will ask that all grant funds be returned.

Councilmember Cannella stated that he is not in favor of spending any money on River Bluff Regional Park Phase 2 until after we finish the neighborhood parks.

Councilmember Mantarro Moore agreed that the neighborhood parks should be the first priority, however, the City should move forward with securing the funds for Phase 2 of the River Bluff Regional Park.

After further Council discussion, Items 17 and 18 were acted on in one motion. It was moved/seconded by Cannella/Vierra to approve **Items 17 and 18** as recommended by staff. Motion passed by the following vote: (5/0)

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

## **PUBLIC HEARING**

**19. Resolution No. 2005-\_\_\_\_** public hearing to consider the annual review of the Westpointe Master Plan Development Agreement and determine that the property owners and developers are in compliance with the terms and conditions of the Development Agreement.

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

Nancy Brown, Acting Director of Planning and Community Development gave an overview of the staff report.

The Public Hearing was opened at 8:57 p.m.

There being no one wishing to speak, the public hearing was closed at 8:58 p.m.

## **RESOLUTION NO. 2005-178**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES APPROVING THE ANNUAL REVIEW OF THE DEVELOPMENT AGREEMENT FOR THE WESTPOINTE MASTER PLAN**

It was moved/seconded by Mantarro Moore/Vierra to approve Resolution No. **2004-178** as recommended by staff. Motion carried by the following vote: (4/0/1)

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

## **NEW BUSINESS**

**20. Ordinance No. 2005-948** amending Title 10, Chapter 10.36, Towing, of the Ceres Municipal Code (**First Reading and Introduction**).

Art de Werk, Director of Public Safety, gave an overview of the proposed ordinance.

It was moved/seconded by Phipps/Mantarro Moore to waive first reading of **Ordinance No. 2005-948** and direct the clerk read the Ordinance by number and title only. Motion carried unanimously. (5/0).

It was moved/seconded by Phipps/Mantarro Moore to approve **Ordinance No. 2005-948** for first reading and introduction. Motion passed by the following vote: (5/0)

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

**21. Ordinance No. 2005-949** amending Section 2.08.030A of the Ceres Municipal Code to change the voting requirement for the removal of the City Manager. **(First Reading and Introduction)**

Mike Lyons, City Attorney, gave an overview of the proposed ordinance.

It was moved/seconded by Mantarro Moore/Phipps to waive first reading of **Ordinance No. 2005-949** and direct the clerk read the Ordinance by number and title only. Motion carried unanimously. (5/0).

It was moved/seconded by Mantarro Moore/Phipps to approve **Ordinance No. 2005-949** for first reading and introduction. Motion passed by the following vote: (5/0)

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

**22. Resolution No. 2005-\_\_\_\_\_** adopting the Ceres Local Hazard Mitigation Plan.

Commander Dan Davis, Ceres Emergency Services, gave an overview of the item.

**RESOLUTION NO. 2005-179**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES ADOPTING THE CERES LOCAL HAZARD MITIGATION PLAN**

It was moved/seconded by Phipps/Mantarro Moore to approve **Resolution No. 2004-179** 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

**REPORTS**

The Mayor, Vice Mayor and Council gave reports on various city related events and issues including the Neighborhood Brown Bag Meeting in Smyrna Park, StanCog, 9/11 Event, Traffic Safety Meeting, LaCascada Ribbon Cutting Ceremony and the emergency preparedness meeting.

Staff reported on various projects including the Grand Jury response, various traffic issues, 9/11 event, traffic speed reader signs on Whitmore Ave., Stevenson Memorial Committee update, Community Foundation's possible merge with the County of Stanislaus Community Foundation,

Men's Softball League and the Employee Association's Hurricane Katrina Victims Fundraiser at the American Legion Hall.

Upcoming agenda items and reports include:

General Plan Amendment  
Annexations – Islands we are doing  
Water issues – water rates/impact on wells  
Report by Enrique Perez

There being no further business, the meeting was adjourned at 9:38 p.m. to the Executive Search Workshop on Tuesday, September 13, 2005, at 5:00 p.m. in the City Council Chambers, 2210 Magnolia Street.

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DeLinda Moore, Mayor

ATTEST:

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Cindy Heidorn, Deputy City Clerk

