

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

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

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

ALSO PRESENT: Interim City Manager, Sheila Cumberland; City Attorney, Mike Lyons; Director of Management Services, Bonnie White Silveria; Acting Director of Planning and Community Development, Nancy Brown; Director of Public Works, Joe Hollstein; Director of Parks, Recreation & Facilities, Doug Lemcke; Director of Municipal Utilities, Steve Wilson; Director of Public Safety, Art de Werk and City Clerk, Brenda Scudder Herbert.

INVOCATION was given by Pastor Brent Mitchell, Ceres Harvest Presbyterian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Moore.

PRESENTATION

- A. Special Lions Club presentation of a \$5,000.00 donation to the Stevenson Memorial Committee.
- B. Community Liaison Officer Activities Update.
- C. Ceres Youth Commission first report to Council.

APPROVAL OF THE MINUTES of the regular meeting of August 22, 2005. M/S Phipps/Mantarro-Moore to approve the minutes of the August 22, 2005. Vote 4/0/1 (Cannella abstained).

APPROVAL OF THE MINUTES of the regular meeting of September 26, 2005. M/S Mantarro-Moore/Phipps to approve the minutes of the September 26, 2005 meeting. Vote 5/0.

CITIZEN COMMUNICATION

Joanne Vega 704 Monique Court, found a problem with the application that the home owners need to fill out for the court enclosure. As she sees it, it would hold the property owners liable and would like to see the application Indemnity amended.

Tammy Felix, 3517 Farris Avenue, thanked the City for their participation in the Don Pedro Community Picnic. She also thanked them for the play ground equipment.

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

CONSENT CALENDAR – M/S Vierra/Mantarro-Moore to approve Items 1 - 15. Vote 5/0.

1. General Correspondence – Information Only

- a. Sales Tax Digest Summary – 3rd quarter collection of 2nd quarter sales.
 - b. Finance Department Monthly Report for August and September 2005.
 - c. 1st Quarter Budget Report.
 - d. Building Department Monthly Report for September 2005.
 - e. Municipal Utilities Department Monthly Report for September 2005.
 - f. Management Services Department Activity Report for 3rd quarter 2005.
 - g. Parks, Recreation & Facilities Monthly Report for August 2005.
 - h. Public Works Department Monthly Report for August and September 2005.
2. Register of Audited Demands dated October 5 - 14, 2005.
 3. **Resolution No. 2005-205** rejecting the claim for damages of Cecilia Torres.
 4. **Resolution No. 2005-206** approving the destruction of certain personnel records.
 5. **Resolution No. 2005-207** authorizing the destruction of certain grant records.
 6. Set Public Hearing for November 14, 2005 for the annual Public Facility Fees, Storm Drain Fees, Street Tree Fees, Eastgate Street Improvement and Landscape Fee and Brown Street Improvement Fee adjustment.
 7. **Resolution No. 2005-208** approving a lot line adjustment for Darrell Ledbetter, and Richard and Mary Farrell being in the Northeast Quarter of Section 15, Township 4S, Range 9E, MDB & M – 1744 Heavenly Way and 2701 McCord Way, Ceres.
 8. **Resolution No. 2005-209** amending the 2005/06 Budget and approving the contract for media production services with Final Cut Media.
 9. **Resolution No. 2005-210** authorizing staff to participate in the Stanislaus County Regional Fire Authority.
 10. Set public hearing date of November 14, 2005 to consider a Planned Community Master Plan (PCMP) proposal to subdivide a 4.1 +/- acres into 28 single-family lots. (Application No. 05-31 PCMP, Maxim Development, Inc., applicant).
 11. **Resolution No. 2005-211** accepting the final map of the San Pedro Colony Subdivision, Approving the Land Division Improvement Agreement and Rejecting the Offer of Dedication of Street Right of Way.
 12. **Resolution No. 2005-212** stating its intent and ordering the Annexation of the San Pedro Colony Subdivision to the Landscape and Lighting District.
 13. **Resolution No. 2005-213** amending the salary schedule for the Public Safety Support Services Supervisor position.
 14. **Resolution No. 2005-214** designating a permanent section of the Ceres River Bluff Regional Park for the "Natural Wildlife Grove in Memory of Howard Stevenson".

15. **Resolution No. 2005-215** approving a budget amendment for the purchase of handicap accessible door entry buttons.

PUBLIC HEARING

16. To consider a proposal to amend the General Plan to change the designation of an approximate 1.09 +/- acre area from HC, Highway Commercial to HDR High Density Residential (Application Nos. 05-26 GPA and 05-27 RZ/PCMP, Pacific Pride Communities, applicant).

Tom Westbrook, Senior Planner gave report on this Item.

Resolution No. 2005-216 adopting a Negative Declaration for this project pursuant to CEQA requirements.

Resolution No. 2005-217 approving the request to amend the General Plan designation of 1.09 +/- acres from HC Highway Commercial to HDR High Density Residential.

Ordinance No. 2005-950 approving the request to Rezone/Planned Community Master Plan 4.78 +/- acres from C-2, Community Commercial and R-3, Medium Density Residential to Planned Community to allow the development 53 detached single-family homes at 1605 Evans Road and 1701 Richland Avenue.

Mayor Moore opened the Public Hearing.

Bernie Hyne, Modesto, asked the Council for support on this project, he knows it is a unique project and is excited about the design.

There being no one else wishing to speak, Mayor Moore closed the Public Hearing.

M/S Mantarro-Moore/Cannella to approve Resolution No. 2005-216. Vote 5/0. M/S Mantarro-Moore/Phipps to approve Resolution No. 2005-217. Vote 5/0. M/S Mantarro-Moore/Phipps to have Clerk read Ordinance No. 2005-950 by Number and Title only. Vote 5/0. M/S Mantarro-Moore/Phipps to approve Ordinance No. 2005-950 for Introduction and First Reading. Vote 5/0.

17. To consider approval of a Planned Community Master Plan to allow the development of 51 detached single-family homes at 2250 Herndon Road (Application No. 05-38 PCMP, Ron Katakis, applicant).

Tom Westbrook, Senior Planner, gave a report on this Item.

Mayor Moore opened the Public Hearing.

Rich Schubert, Stanislaus County Housing Authority, made comments regarding a fence.

Max Garcia, 3525 Mitchell Road, made comments regarding the project on behalf of the applicant.

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

M/S Vierra/Cannella to approve Resolution No. 2005-218. Vote 5/0.

Resolution No. 2005-218 adopting a Negative Declaration for this project pursuant to the requirements of the California Environmental Quality Act. (CEQA).

M/S Vierra/Cannella to approve Resolution No. 2005-218. Vote 5/0.

Resolution No. 2005-219 adopting a Planned Community Master Plan to allow the development of 51 detached single-family homes at 2250 Herndon Road.

M/S Vierra/Cannella to approve Resolution No. 2005-219. Vote 5/0.

- 18. Resolution No. 2005-220** approving Real Estate Purchase Agreement for right-of-way purposes near Herndon Road (Ronald B. Katakis, William J. Katakis and California Equity Management Group, Inc.)

Joe Hollstein, Director of Public Works, gave a report on this Item.

Mayor Moore opened the Public Hearing.

There being no one wishing to speak, Mayor Moore closed the Public Hearing and brought it back to Council for a decision.

M/S Mantarro/Vierra to approve Resolution No. 2005-220. Vote 5/0.

OLD BUSINESS

- 19. Resolution No. 2005-221** approving The First Drinking Water Agreement between the City of Ceres and Turlock Irrigation District.

Steve Wilson, Director of Municipal Utilities, gave a report on this Item.

M/S Phipps/Cannella to approve Resolution No. 2005-221 for 10 million gallons per day and Execute the Addendum. Vote 5/0.

NEW BUSINESS

- 20. Selection of Preferred Community Identification Sign for Whitmore Overpass.**

Joe Hollstein gave report on this Item.

M/S Phipps/Cannella to use Alternative 1. Vote 5/0.

- 21. Resolution No. 2005-222** amending the 2005/06 Budget and approving a contract with Mintier & Associates to prepare and process a General Plan Amendment for the Highway 99/Mitchell Road/Service Road area. – **Cannella conflict**

21. Resolution No. 2005-222 amending the 2005/06 Budget and approving a contract with Mintier & Associates to prepare and process a General Plan Amendment for the Highway 99/Mitchell Road/Service Road area. – **Cannella conflict**

Nancy Brown, Acting Director of Planning and Community Development, gave a report on this Item.

M/S Phipps/Vierra to approve Resolution No. 2005-222. Vote 4/0/1 (Cannella conflict).

22. Council consideration of a winter suspension of the 2005 Slurry Seal Project.

Joe Hollstein gave report on this Item.

M/S Mantarro-Moore/Cannella to approve this Item.

REPORTS

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

The Meeting was adjourned to Closed Session at 8:45 p.m.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: Ken Caves – Regarding Miscellaneous Bargaining Unit *Pursuant to Gov't. Code Section 54957.6*

CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION

Pursuant to Gov't Code Section 54956.9(g)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Parking Lot on the Northwest corner of Fourth and North Street, Ceres, CA

Agency Negotiator: Sheila Cumberland, Interim City Manager

Negotiating Parties: First Baptist Church – Owner

Instructions to the Agency Negotiator may include price, terms of payment or both.

Purpose: If the property is purchased by the City, the City intends to use the property for a public parking facility.

Pursuant to Gov't Code Section 54956.8

CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: Bonnie White Silveria – Regarding Mid Managers

CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: Sheila Cumberland – Regarding Department Directors

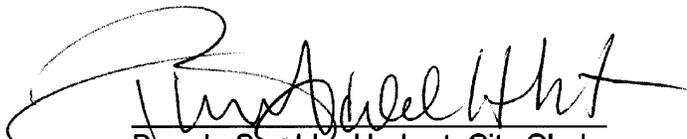
Pursuant to Gov't. Code Section 54957.6

The meeting reconvened to open session with nothing to report.

There being no further business, the meeting was adjourned at 9:21 p.m.


DeLinda Moore, Mayor

ATTEST:


Brenda Scudder Herbert, City Clerk