

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
November 14, 2005**

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

A moment of silence was observed for Captain Raymond D. Hill II, who was killed while on patrol in Baghdad on October 29, 2005.

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

ABSENT: Councilmember Vierra, Excused

ALSO PRESENT: Interim City Manager, Sheila Cumberland; City Attorney, Mike Lyons; Director of Management Services, Bonnie White Silveria; Director of Public Works, Joe Hollstein; Director of Parks, Recreation & Facilities, Doug Lemcke; Commander Dan Davis; Sr. Planner, Tom Westbrook and Deputy City Clerk, Cindy Heidorn.

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Moore.

APPROVAL OF THE MINUTES of the regular meeting of October 10, and November 7, 2005.

It was moved/seconded by Mantarro Moore/Phipps to approve the minutes of October 10, 2005 and November 7, 2005 as recommended by staff.

Motion carried with Councilmember Vierra absent. (4/0)

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (ten minutes). - **NONE**

While the City Council welcomes and encourages participation in City Council meetings, adopted rules allow no more than 10 minutes (Resolution No. 93-21) for expression of non-agenda items. Matters under the jurisdiction of the City Council, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the City Council from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the City Council. Citizens are entitled to address the City Council on any agenda item subject to the 10 minute provision.

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

It was moved/seconded by Phipps/Mantarro Moore to approve the agenda as posted.

Motion carried with Councilmember Vierra absent. (4/0)

13. **Resolution No. 2005-231** authorizing the Interim City Manager to enter into a Software Licensing Agreement with Novell, Inc., to upgrade the City's current network operating system from Novell Netware 5.0 to Netware 6.5 and to purchase annual maintenance from Novell.
14. **Resolution No. 2005-232** accepting the Final Map of the Cherry Hollow Estates Subdivision.
15. **Resolution No. 2005-233** stating its intent and ordering the annexation of Cherry Hollow Estates Subdivision to the Landscape and Lighting District.
16. **Resolution No. 2005-234** accepting the Final Map of the Stonum Subdivision, approving the Land Division Improvement Agreement, and rejecting the offer of dedication of street right of way.
17. **Resolution No. 2005-235** stating its intent and ordering the annexation of the Stonum Subdivision to the Landscape and Lighting District.
18. **Resolution No. 2005-236** accepting the Final Map of Westpointe No. 4 Subdivision, approving the Land Division Improvement Agreement and rejecting the offer of dedication of street right of way. ***Pulled-Councilmember Cannella cited a conflict of interest with this item.***
19. **Resolution No. 2005-237** stating its intent and ordering the annexation of the Westpointe Unit No. 4 Subdivision to the Landscape and Lighting District. ***Pulled-Councilmember Cannella cited a conflict of interest with this item.***
20. **Resolution No. 2005-238** accepting the Final Map of the Veranda Estates Unit No. 2 Subdivision. ***Pulled-Councilmember Cannella cited a conflict of interest with this item.***
21. **Resolution No. 2005-239** stating its intent and ordering the annexation of the Veranda Estates Unit No. 2 Subdivision to the Landscape and Lighting District. ***Pulled-Councilmember Cannella cited a conflict of interest with this item.***
22. **Resolution No. 2005-240** rejecting bids for the River Bluff Regional Park Phase 2 CRBRP Improvements Project.
23. **Resolution No. 2005-241** adopting the terms and conditions of employment for Department Heads.

It was moved/seconded by Mantarro Moore/Phipps to approve consent calendar items 1-7, 9, 10, 13-17, 22 & 23 as recommended by staff. Motion carried with Councilmember Vierra absent. (4/0)

8. **Resolution No. 2005-226** approving a contract authorizing Creative Outdoors Environment to provide landscape maintenance of Right of Ways, center medians and planter strips.

Councilmember Cannella asked for clarification with regard to the funds budgeted for 2005/06. After some Council discussion, it was moved/seconded by Cannella/Phipps to approve Item 8 as recommended by staff. Motion carried with Councilmember Vierra absent. (4/0)

Councilmember Mantarro Moore expressed concern that the traffic signals on Mitchell are still not synchronized properly and the addition of another signal would only compound the problem.

Councilmember Phipps concurred.

Joe Hollstein, Director of Public Works, explained that the initial synchronization at the intersection of Hatch and Mitchell Roads was calibrated incorrectly but the consultant will be coming back to fix the problem. The purpose of the new traffic signal is to create an extra break in traffic so the residents living near the signal will be better able to turn into and out of their subdivisions.

RESOLUTION NO. 2005-243

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES DESIGNATING THE ESTABLISHMENT OF THE MITCHELL ROAD TRAFFIC SIGNAL BENEFIT DISTRICT AND THE ESTABLISHMENT OF FEES FOR THE PARCELS WITHIN THE AREA OF BENEFIT

It was moved/seconded by Phipps/Cannella to approve **Resolution No. 2005-243** as recommended by staff. Motion passed by the following vote: (4/0)

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

26. **Public Hearing** to consider approval of a Planned Community Master Plan (PCMP) proposal to subdivide 4.1 acres into 28 single-family lots at 3001 Morgan Rd. (Application No. 05-31 PCMP, Maxim Development, Inc., applicant).

Commercial, and R-3, Medium Density Residential to PC, Planned Community and adoption of a Planned Community Master Plan to allow the development of 53 detached single family homes at 1605 Evans Road and 1701 Richland Avenue, Application Number 05-27 RZ/PCMP, Pacific Pride Communities, Applicant. (**Second Reading and Adoption**).

ORDINANCE 2050-950

It was moved/seconded by Phipps/Mantarro Moore to waive second reading of **Ordinance No. 2005-950** and direct the clerk read the ordinance by number and title only. Motion carried with Councilmember Vierra absent. (4/0)

It was moved/seconded by Mantarro Moore/Phipps to approve **Ordinance No. 2005-950** for Second Reading and adoption. Motion passed by the following vote: (4/0)

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

28. Possible Modifications to the City's Solicitation and Peddling Ordinance Provisions.

Mike Lyons, City Attorney, gave a brief overview of the possible modifications which could be made to the City's solicitation and peddling ordinance provisions including background checks, fingerprinting of potential solicitors.

Gene Yeakley, Ceres, felt that vendors wishing to do business in Ceres should be required to pay for permits. He further stated that he was concerned that children who are home alone between the hours of 3:00 p.m. and 5:00 p.m. were at risk.

After some Council discussion regarding the difficulty of enforcing the proposed modifications and the burden it would place on the Police Department, it was the consensus of Council not to modify the City's Solicitation and Peddling Ordinance Provisions.

NEW BUSINESS

29. **Resolution No. 2005-246** approving the agreement between the City of Ceres and Raymond Greer Construction Co., concerning the Mitchell Road Traffic Signal construction and authorizing the City Manager to execute said agreement.

Joe Hollstein, Director of Public Works, introduced the item.

Councilmember Cannella asked Mr. Hollstein where the reimbursement funds would be coming from.

Mr. Hollstein explained that the reimbursement funds would come from the fees collected from the Mitchell Road Traffic Signal Benefit District.

RESOLUTION NO. 2005-246

It was moved/seconded by Phipps/Cannella to approve **Resolution No. 2005-246** as recommended by staff. Motion passed by the following vote: (4/0)

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

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: Ken Caves Regarding Police MOU
Pursuant to Gov't. Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: Bonnie White Silveria - Regarding Mid Managers MOU
Pursuant to Gov't. Code Section 54957.6

Council convened to open session with nothing to report.

There being no further business, Council adjourned at 8:45 p.m. to the next regularly scheduled City Council meeting, Monday, November 28, 2005 at 7:00 p.m. in the City Council Chambers, 2210 Magnolia Street.



DeLinda Moore, Mayor

ATTEST:



Cindy Heidorn, Deputy City Clerk