

**SPECIAL MEETING OF THE CERES CITY COUNCIL**  
**January 10, 2006**  
**Minutes**

A Special meeting of the City Council was called to order at 7:00 p.m. by Mayor Cannella with the following in attendance.

**PRESENT:** Vice Mayor Phipps, Council Members Lane, Ochoa, Vierra, Mayor Cannella

**ALSO PRESENT:** Sheila Cumberland, Interim City Manager; Mike Lyons, City Attorney; Joe Hollstein, Director of Public Works; Doug Lemcke, Director of Parks, Recreation & Facilities; Steve Wilson, Director of Municipal Utilities; Nancy Brown, Interim Director of Planning & Community Development; Art de Werk, Director of Public Safety; Betina McCoy, Grants Coordinator; Dan Davis, Commander, Emergency Services Division; Cindy Heidorn, Deputy City Clerk

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

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

**PRESENTATIONS**

A. Recognition of Fire Fighters involved in the December 13, 2005, fire on Moffet Rd.

Director of Public Safety, Art de Werk and Mayor Cannella presented certificates to the Ceres Public Safety personnel, Modesto Fire Fighters, Stanislaus Consolidated Fire District and AMR personnel for their heroic acts during the December 13, 2005 fire.

Due to the large number of people attending the meeting, primarily to discuss the possibility of the City enacting a mobile home rent control ordinance, the council chambers was over the occupancy capacity. Council took a short recess at 7:18 p.m. to discuss possible solutions.

Council reconvened at 7:28 p.m. with the following options for consideration:

1. The audience could rotate in and out of the Council Chambers in shifts to discuss their concerns regarding the rising lot rents in their mobile home park.
2. Council could schedule a special meeting for the sole purpose of discussing their concerns regarding the rising lot rents in their mobile home park.

**After some discussion, Council continued Item #18 to a Special Meeting on Thursday, January 19, 2006 at 7:00 p.m. to discuss the mobile home park rent control issues.**

**APPROVAL OF THE MINUTES** of the regular meeting of December 12, 2005 and the Joint City Council/Planning Commission Workshop of December 19, 2005.

**It was moved/seconded by Vierra/Phipps to approve the minutes of December 12, with changes to Item 16 and approve the minutes of December 19, 2005 as recommended by staff. Motion passed unanimously. (5/0)**

**APPROVAL OF THE MINUTES** of the Closed Session Workshop of December 15, 2005.

**It was moved/seconded by Lane/Vierra to approve the minutes of the Closed Session of December 15, 2005 as recommended by staff. Motion passed with Mayor Cannella abstaining. (4/0/1)**

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

Randy Cerny, representing Ceres Youth Soccer requested that an status report be placed on the next City Council Agenda regarding the soccer complex. Mr. Cerny is concerned that if the grass does not get planted soon, we will not be able to use the complex this summer.

**Mayor Cannella directed Doug Lemcke, Director of Parks, Recreation and Facilities to place a staff report on the January 23, 2006 agenda addressing Mr. Cerny's concerns.**

Leonard Shepard, Ceres Resident, commented on the importance of Council meeting attendance and challenged current Council Members to continue to attend meetings after their commissions expire.

Don Donaldson, representing Ceres Youth Basketball, expressed concerns with the new Ceres Adult Volley Ball teams sharing a gym with Youth Basketball. He felt they should not paly on the same court.

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

**It was moved/seconded by Phipps/Lane to approve the agenda as posted. Motion passed 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. Quarterly Grant Update.
  - b. Finance Department Monthly Report – October and November, 2005.
  - c. Parks Recreation & Facilities Department monthly report for November, 2005.
  - d. Treasurer's Reports for September and October, 2005.
2. Register of Audited Demands dated December 9, 2005 through December 14, 2005.
3. **Resolution No. 2006-XX** authorizing acceptance of 2002 RZH Urban Open Space & Recreation Grant. ***Pulled for further discussion.***
4. **Resolution No. 2006-02** accepting the subdivision improvements for Morgan Manor Subdivision as complete, accepting the dedications and authorizing filing of a Notice of Completion.

5. **Resolution No. 2006-XX** amending the 2005-06 Budget to appropriate additional funds for the Mitchell Road Interchange Project Report and Environmental Document and approving the contract amendment. ***Pulled for further discussion.***
6. **Resolution No. 2006-XX** amending the 2005-06 Budget to appropriate funds for the upgrading to the Ceres Water Model. ***Pulled for further discussion.***
7. **Resolution No. 2006-03** awarding the Blaker Road Reservoir and Pump Station Improvement Project and approving a budget amendment.
8. Council authorization to Stanislaus County's Department of Environmental Resources to submit a Waste Tire Enforcement Grant on behalf of the City of Ceres.
9. **Resolution No. 2006-04** approving contract with Mr. Keith Wright, dba Contract Maintenance, for Tow Truck Inspection Service.
10. **Resolution No. 2006-05** amending the 2005-06 Budget to appropriate funds to renovate the Rotary Grove with financial assistance from Ceres Rotary Club. ***Pulled for further discussion.***
11. Reset public hearing date of January 23, 2006 to consider the annexation of a .99+/- acre parcel located near the southeast corner of Service and Mitchell Roads (APN #041-018-002). (Application No. 05-34 Annex, Makhan Singh, applicant.).
12. **Resolution No. 2006-06** accepting the Subdivision Improvements for the Capistrano Estates Unit No. 3 Subdivision as Complete, Accepting the Dedications and Authorizing the filing of a Notice of Completion. ***Pulled for further discussion.***
13. **Resolution No. 2006-07** amending the Budget to appropriate funds to connect Fire Station 2 to the sewer system and authorizing the Director of Parks, Recreation and Facilities to sign all required documents.

**It was moved/seconded by Vierra/Phipps to approve consent calendar items 1a–1d, 2, 4, 7-9, 11 & 13 as recommended by staff. Motion carried unanimously. (5/0)**

3. **Resolution No. 2006-XX** authorizing acceptance of 2002 RZH Urban Open Space & Recreation Grant. ***Pulled for further discussion.***

Mayor Cannella asked for clarification with regard to total dollars awarded, construction schedules, and the City's liability should the work not be completed prior to the deadline.

Betina McCoy, Grants Coordinator, explained that this is a State Grant that has been awarded to Stanislaus County. Stanislaus County in turn allocated \$32,000 to the City of Ceres for the projects we have slated for River Bluff Regional Park Phase 2. The County has an obligation to use the funds prior to June 30, 2006. Ms. McCoy explained that the County has stated that the City does not need to use the funds but we do need to encumber the funds in order to secure them.

**Mayor Cannella requested that Ms. McCoy obtain a document from the County stating that the City will still receive the money if we have encumbered the funds, but not actually spent them prior to the deadline.**

It was moved/seconded by Phipps/Vierra to approve **Resolution 2006-01** as recommended by staff. Motion carried by the following vote: (5/0)

#### **RESOLUTION 2006-01**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES AMENDING THE 2005-06 BUDGET TO APPROPRIATE FUNDS FOR THE UPGRADING TO THE CERES WATER MODEL**

**AYES: Councilmembers Lane, Ochoa, Phipps, Vierra, Mayor Cannella**  
**NOES: None**  
**ABSENT: None**

5. **Resolution No. 2006-XX** amending the 2005-06 Budget to appropriate additional funds for the Mitchell Road Interchange Project Report and Environmental Document and approving the contract amendment. ***Pulled for further discussion.***

Council had extensive discussion on the Mitchell Road Interchange project and the request for an additional \$520,000 to complete the report and environmental document. It was the general consensus of Council that although some of the project delays were the result of Caltrans decisions, Council is not entirely satisfied with the way the contract with Nolte was fulfilled and/or not fulfilled. Council further stated that they did not feel comfortable going sole source with Nolte and wanted to go out to bid on the remaining work.

Council decided to approve Alternative No. 3 on the staff report which states:

“Terminate the contract with Nolte Associates and hire another firm to complete the work. The contract allows the City to terminate the contract with the payment of all fees due at the time of termination. All the work completed by the consultant and their subconsultants belongs to the City and would be required to be turned over to the City. Such action would delay the completion of the project by at least 60 days to receive proposals, select a new consultant, and then present the proposal to the City Council for approval. More time would be lost while the consultant and their team become familiar with the project. There is also no assurance that the compensation request of the new consultant team would be lower than Nolte Associates request. Because the consultant team would need to become familiar with the project, they would have an additional charge for the time they spend learning the project.

**It was moved/seconded by Vierra/Phipps to approve Alternate #3 (above) with the additional request to review the original contract/scope of work. Motion carried unanimously. (5/0)**

6. **Resolution No. 2006-XX** amending the 2005-06 Budget to appropriate funds for the upgrading to the Ceres Water Model. ***Pulled for further discussion.***

Mayor Cannella stated that although he feels the City needs an upgraded Water Model he thinks it would be a wise use of funds to hire West/Yost to take another look at the entire system and General Plan and provide us with recommendations and an idea of a fee

schedule.

Council concurred with Mayor Cannella's comments.

**It was moved/seconded by Phipps/Vierra to continue item # 6 to allow staff time to secure a new bid to include the addition of a system review with recommendations and potential fee schedule. Motion passed unanimously (5/0).**

**10. Resolution No. 2006-XX** amending the 2005-06 Budget to appropriate funds to renovate the Rotary Grove with financial assistance from Ceres Rotary Club. ***Pulled for further discussion.***

Councilmember Phipps expressed that while he appreciated the generous donation from the Ceres Rotary, he had some concern over the amount of money being spent and the possibility of more the work being volunteered. He also expressed concern with regard to the ongoing maintenance of the Rotary Grove improvements.

After further staff and Council discussion, it was moved/seconded by Vierra/Lane to approve **Resolution No. 2006-05** as recommended by staff. Motion carried with Councilmember Phipps voting No. (4/1/0)

**RESOLUTION NO. 2006-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES AMENDING THE 2005-06 BUDGET TO APPROPRIATE FUNDS TO RENOVATE THE ROTARY GROVE WITH FINANCIAL ASSISTANCE FROM CERES ROTARY CLUB.**

**AYES:** Councilmembers Lane, Ochoa, Vierra, Mayor Cannella

**NOES:** Councilmember Phipps

**ABSENT:** None

**At 8:34 p.m. Council adjourned to the Redevelopment Agency Meeting.**

**Council reconvened at 8:40 p.m.**

**NEW BUSINESS**

**14. Approval of the Basic Financial Statements and Independent Auditors' Reports.**

Bryan Kelly from Caporicci & Larson gave an overview of the GASB 34 reporting requirements as well as the cities financial statements and auditors report. The auditors have issued an unqualified opinion which is the highest rating they can give.

**It was moved/seconded by Phipps/Lane to approve the basic financial statements and independent auditors' reports as recommended by staff. Motion carried unanimously. (5/0)**

**15. Appointment of Planning Commissioner.**

Mayor Cannella commented that after interviewing candidates for Planning Commission with Vice Mayor Phipps, he felt that Ms. Ruth Ann Williams was the best person to fill the vacancy on the commission.

**It was moved/seconded by Cannella/Phipps to appoint Ruth Ann Williams to serve as planning commissioner with a commission to expire December 31, 2009.**

**16. Discussion of water and sewer reserve capacity.**

**After extensive discussion, Council directed staff to schedule a Water/Sewer Study session to discuss the City's water and sewer reserve capacity in detail.** Council wants to ensure that the City has a long-term plan in place that includes future projects including Master Plan #2 and future commercial /industrial projects. Council would also like to see if there could be a plan for the City that allows us to have a more self-sufficient solution to our sewer disposal, rather than relying on our current agreement with Turlock. Mayor Cannella stressed that we do not want to find ourselves in a position where we have homes and cannot provide them with water and sewer services.

**17. Request for Council Study Session to discuss Future Public Safety Service Delivery Trends and Associated Staffing Considerations.**

Art de Werk, Director of Public Safety, stated that City staff has done extensive research pertaining to future demographic, socioeconomic trends and emerging issues in the City of Ceres, all of which will have a bearing on future staffing requirements for Public Safety. The Department of Public Safety would like to hold a workshop with Council to discuss this information.

**Council directed staff to schedule a Workshop to discuss future public safety service delivery trends and associated staffing consideration for March 1, 2006 at 6:00 p.m.**

**18. Memorandum from City Attorney regarding Mobile Home Park Rent Control.**

**Council continued Item #18 to a Special Meeting on Thursday, January 17, 2006 at 7:00 p.m. to discuss the mobile home park rent control issues.**

**REPORTS**

The Mayor, Vice Mayor, Council and staff gave reports on various City related events and issues including the dinner on January 9, 2006 and the League of California Cities seminar January 11-13, 2006, and the DUI checkpoints recently held.

There being no further business, Mayor Cannella adjourned to closed session at 9:35 p.m.

**CLOSED SESSION****PUBLIC EMPLOYMENT**

Position to be filled: City Manager

*Pursuant to Government Code Section 54957(b)(1)*

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 2761 4<sup>th</sup> Street

Agency negotiator: Mr. Joe Hollstein, Director of Public Works

Negotiating parties: City of Ceres, First Baptist Church of Ceres

Under negotiation: Instruction given to negotiator may concern price and terms of payment.

Purpose: Possible acquisition of property for additional Community Center parking.

*Pursuant to Government Code Section 54956.8*

CONFERENCE WITH LABOR NEGOTIATOR

Agency Representative: Ken Caves - Regarding Miscellaneous Bargaining Unit

*Pursuant to Gov't. Code Section 54957.6*

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Gov't Code. Receipt of written communication from a potential plaintiff threatening litigation.

Potential litigant: Christopher Melton.

**The meeting convened to open session at 11:00 p.m. with nothing to report.**

**There being no further business, the meeting was adjourned at 11:01 p.m.**

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Anthony Cannella, Mayor

ATTEST:

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Cindy Heidorn, Deputy City Clerk