

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
MARCH 27, 2006**

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

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

EXCUSED: None

ALSO PRESENT: City Manager Brad Kilger, City Attorney Mike Lyons, Director of Management Services Bonnie White Silveria, Interim Planning Director Nancy Brown, 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 and City Clerk Brenda Scudder Herbert.

INVOCATION was given by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag by Brownie Troop #404.

PRESENTATIONS

Proclamation proclaiming March 12 – 18, 2006 as “Girl Scout Week in the City of Ceres”

CITIZEN COMMUNICATION

Leonard Sheppard, 2841 Fowler Road, Thanked Ceres Public Safety for the work they do and thanked the citizens of Ceres for keeping Ceres clean.

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

CONFLICT OF INTEREST DECLARATION – Mayor Cannella has a conflict with Item #16.

CONSENT CALENDAR – M/S Lane/Phipps to approve Items 1 - 7, 9, 11 – 13 & 15. Vote 5/0.

- 1. General Correspondence – Information Only**
 - a. Building Department Monthly Report for February 2006.
 - b. Municipal Utilities Department Monthly Report for February 2006.
 - c. Public Works Monthly Report for January & February 2006.
- 2. Register of Audited Demands dated February 24 through March 10 - 16, 2006.**

3. Open the Public Review period of the FY 06-07 CDBG Annual Action Plan, and set a Public Hearing date of May 8, 2006 to close the Public Review period of the FY 06-07 CDBG Annual Action Plan.
4. Set Public Hearing date of April 10, 2006 to consider a proposal to allow the Rezone from RA, Residential Agricultural to PC, Planned Community to allow the development of 46 detached single-family homes at 1701, 1721 and 1848 Richard Way. (Application No. 05-57 RZ/PCMP, Phil Stanwood, applicant).
5. **Resolution No. 2006-48** authorizing application to the 2006 Bulletproof Vest Partnership Grant Program.
6. **Resolution No. 2006-49** authorizing application to the 2006 Assistance to Firefighters Grant Program.
7. **Resolution No. 2006-50** declaring certain property within the City's possession as surplus or unclaimed and ordering its sale, acquisition or distribution for the common benefit of the City.
8. **Resolution No. 2006-51** supporting application for expansion of the Stanislaus Enterprise Zone to include additional portions of Mitchell Road. **PULLED M/S Lane/Phipps to approve Resolution No. 2006-51. Vote 5/0.**
9. **Resolution 2006-52** awarding the River Bluff Regional Park – Phase 2 CRBRP contract to Harris Builders.
10. **Resolution No. 2006-53** establishing the penalty fees for violation of garbage receptacle regulations. **PULLED** Steve Breckenridge asked questions regarding laws pertaining to this. Leonard Sheppard wanted the Council to look at the constitution. **M/S Phipps/Ochoa to approve Resolution No. 2006-53. Vote 4/1 (Lane No).**
11. Council approval of letter to the Stanislaus Council of Governments confirming approval of the proposed sales tax expenditure plan for the City of Ceres and authorizing the Mayor to sign said letter.
12. **Resolution No. 2006-54** approving the claim of the City of Ceres to the Stanislaus Council of Governments for non-transit funds and authorizing the Director of Public Works to sign and submit said claim on behalf of the City of Ceres.
13. **Resolution No. 2006-55** rescinding Resolution No. 2006-22 and approving the Lot Line Adjustment for Lexar Properties, LLC, being in the South East Quarter of Section 16, Township 4S, Range 9E, MDB & M – 134 & 1273 Tranquil Lane.

14. **Resolution No. 2006-XX** declaring its intent to vacate a portion of public street and setting the date of April 24, 2006 for a Public Hearing regarding proposed vacation. (Portion of Sixth Street, south of Whitmore Avenue). **M/S Vierra/Phipps to continue this Item. Vote 5/0.**
15. **Resolution No. 2006-56** approving the Lot Line Adjustment for D/B Development Co. LLC, being in the Southwest Quarter of Section 2, Township 4S, Range 9E, MDB & M – 2507, 2509, 2511 & 2513 Hatch Road.

PUBLIC HEARING

16. **Resolution No. 2006-57** to consider an appeal of a Planning Commission denial of the Vesting Tentative Subdivision Map proposal to subdivide 8.7 +/- acres; 5.1 +/- acres will be split into a subdivision proposed with 23 single family lots and the remaining 3.6 +/- acres is designated commercial at 2936 Roeding Road (Application No. 05-54 VTSM, American USA Homes, applicant). **Mayor Cannella has a conflict with this Item.**

Tom Westbrook, Senior Planner gave report on this Item.

Vice Mayor Phipps opened the Public Hearing.

George Greaves, North Star Engineering gave a presentation on this Item.

Steve Breckenridge, 2841 Fowler Road, made comments regarding Air Quality.

Christy Sinori King Henry Court made comments regarding straight path.

Vice Mayor Phipps closed the Public Hearing.

M/S Lane/Vierra to approve this Item. Vote 4/0/1 (Cannella abstaining).

17. **Resolution No. 2006-58** to consider an appeal of a Planning Commission denial of the Vesting Tentative Parcel Map proposal to split a .82 +/- acre lot into four parcels for the future construction of single family homes at 3221 Barry Court. (Application No. 05-58 VTPM, Gene Guzman, Applicant).

Nancy Brown gave report on this Item. Captain Bryan Hunt was also present to answer any questions.

Mayor Cannella opened the Public Hearing.

Those speaking in favor of the project:

- Max Garcia, GDR Engineering representing the applicant spoke on behalf of the project.

Those speaking in opposition to the project:

- Alex Gomez, Attorney retained by the residents.
- Bob Vandenberg, Barry Court.
- Leonard Sheppard, 2841 Fowler Road, made comments regarding public safety having proper access to all the homes.
- Kimli Goblirsch, Barry Court.
- Connie Green, Barry Court.
- Angela Russo, Barry Court.

Max Garcia rebutted comments.

Alex Gomez rebutted comments.

Mayor Cannella closed the Public Hearing.

M/S Lane/Phipps to bring back two-lot plans. Vote 3/2 (Vierra/Ochoa No).

NEW BUSINESS

- 18. Consideration of execution of music licensing agreements with BMI and ASCAP for use of copyrighted music at City functions and events.**

City Attorney Mike Lyons gave report on this Item.
Steve Breckenridge 2841 Fowler Road asked questions regarding coverage.

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

- 19. Ordinance No. 2006-952 amending certain sections of the Ceres Municipal Code to allow for the proration of service charges for Municipal Utility Accounts.**

City Attorney Mike Lyons gave report on this Item.

M/S Vierra/Phipps to have Ordinance No. 2006-952 read by Number and Title only. Vote 5/0. M/S Vierra/Phipps to approve Ordinance No. 2006-952 for Introduction and First Reading. Vote 5/0.

- 20. Ordinance No. 2006-953 (Interim urgency ordinance) establishing a moratorium on the establishment of medical marijuana dispensaries within the City of Ceres. (First Reading and Adoption).**

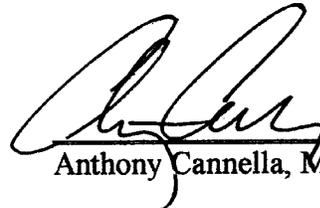
City Attorney Mike Lyons gave report on this Item.

M/S Vierra/Lane to have read by Number and Title only. Vote 5/0. M/S Vierra/Lane to approve for First Reading and Adoption. Vote 5/0.

REPORTS

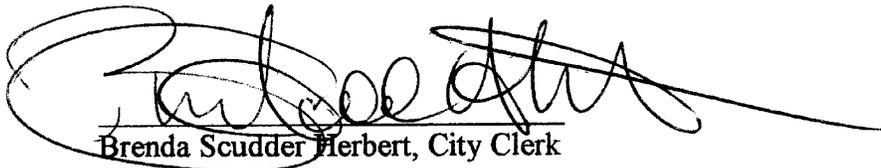
Mayor, Vice Mayor and Council Member and staff gave report on various City related activities and meetings.

ADJOURNMENT Mayor Cannella adjourned the meeting at 10:15 p.m.



Anthony Cannella, Mayor

ATTEST:



Brenda Scudder Herbert, City Clerk