

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
May 8, 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 Director of Planning and Community Development, 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 Brown, Ceres Valley View Church of the Nazarene.

PLEDGE OF ALLEGIANCE to the flag by Mayor Cannella.

PRESENTATIONS

Proclamation proclaiming the week of May 14, 2006 as National Police officer Week in the City of Ceres.

CITIZEN COMMUNICATION

Leonard Sheppard, 2841 Fowler Road, proud of Police Department. Thanked Chief de Werk.

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

CONFLICT OF INTEREST DECLARATION – Mayor Cannella had a conflict on Item No. 7 & 10.

CONSENT CALENDAR – M/S Phipps/Lane to approve Items 1 – 6, 8 – 11 - 13. Vote 5/0.

1. **General Correspondence – Information Only**
 - a. Quarterly Budget Report.
 - b. Finance Department Monthly Report for February and March 2006.
 - c. Update on construction of Lions, Neel and Sam Ryno Parks.
 - d. Response to Council inquiries regarding City Website.
2. Register of Audited Demands dated April 24 to May 1, 2006.
3. **Resolution No. 2006 -74** approving an agreement with Maximus to provide Mandated Cost Claiming Services and authorizing the City Manager to sign said agreement.
4. **Resolution No. 2006-75** approving Amendment No. 1 to the Master Property Tax Agreement with Stanislaus County and authorizing the City Manager to sign said agreement.

5. **Resolution No. 2006-76** granting preliminary approval of engineer's report for setting fees in the 1987 LLD for FY 2006/07 and **Resolution No. 2006-77** declaring intention to establish fees for the FY beginning July 1, 2006 for the 1987 LLD and setting the date of June 26, 2006 for hearing protests in relation hereto.
6. **Resolution No. 2006-78** declaring the week of May 21 thru 27, 2006 as National Public Works Week.
7. **Resolution No. 2006-79** authorizing Environmental Stewardship and Planning (ESP) to perform the required studies and prepare the necessary documents to obtain the discharge permit for the Lions Park Storm Drain Outlet. **PULLED Mayor Cannella had a conflict. M/S Lane/Ochoa to approve Resolution No. 2006-78. Vote 4/0/1 (Cannella abstaining)**
8. **Resolution No. 2006-80** awarding the 2006 Sidewalk Project to BDS Construction and approving an amendment to the FY 2005/06 Budget to appropriate funds.
9. **Resolution No. 2006-81** declaring its intent to vacate a portion of a public street and setting the date of June 12, 2006 for a Public Hearing regarding proposed vacation. **PULLED - M/S Vierra/Phipps to approve Resolution No. 2006-81 Vote 5/0.**
10. **Resolution No. 2006-82** approving a contract with Christian Michener for the sale and removal of city-owned house located at 1852 River Road to prepare for park development. **PULLED Mayor Cannella had a conflict. M/S Lane/Ochoa to approve Resolution No. 2009-82. Vote 4/0/1 (Cannella abstaining.)**
11. Council approval of Mayoral appointment of Vice Mayor Phipps to the Alliance Board of Directors.
12. Council approval of agreement with Marrad Group, Inc.
 - a. **Resolution No. 2006-83** approving an agreement for the sale of excess real property, authorizing the Mayor to sign said agreement and execute a grant deed conveying the property to Marrad Group, Inc.
 - b. **Resolution No. 2006-84** approving an agreement concerning the Street Improvement Reimbursement Agreement for the San Pedro Colony Subdivision, authorizing the City Manager to execute said agreement and amending the FY 05/06 Budget to provide funds for Reimbursement.
13. **Resolution No. 2006-85** adopting a negative declaration for installation of uranium removal systems on two existing wells in the City to meet requirements set by the California Department of Health Services.

UNFINISHED BUSINESS

14. **Waive Second Reading and adopt Ordinance No. 2006-954** approving a Rezone/Planned Community Master Plan of 4.57 +/- acres in two locations from R-A, Residential Agriculture 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).

Nancy Brown gave report on this Item.

Ken Thornberry asked questions regarding the moratorium and the affect on other properties as well as making comments regarding other related issues.
Del Thompson, 1721 Richard Way, current property owner spoke on behalf of the project.

Pam Thornberry would like to see the moratorium go into effect now.
Phil Stanwood, thanked the Council for their careful evaluation of this project.

M/S Vierra/Phipps to have this Item Read by Number and Title only. Vote 5/0. M/S Vierra/Ochoa to approve Ordinance No. 2006-954. Vote 3/2 (Lane, Phipps No).

PUBLIC HEARING

15. Public Hearing and closure of the CDBG FY 06-07 Annual Action Plan Public Review/Comment Period, recommend adoption of said plan to the Stanislaus County Board of Supervisors and authorize the Mayor to sign the necessary agreements with the County of Stanislaus.

Nancy Brown gave report on this Item.

Mayor Cannella opened the Public Hearing.

No Public Comment, Mayor Cannella closed the Public Hearing and brought it back to the Council for a decision

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

16. Public Hearing to consider **Interim Urgency Ordinance No. 2006-955** extending the moratorium on the establishment of medical marijuana dispensaries within the City of Ceres for a period of 10 months and 15 days, pursuant to GC Section 65858. **First Reading and Adoption.**

City Attorney Mike Lyons gave report on this Item.

Mayor Cannella opened the Public Hearing.

Supervisor Jim DeMartini made comments regarding the Board of Supervisors stance on this item. The Board has yet to issue the Medical Marijuana cards. Stanislaus County has not visited this Item yet.

Mayor Cannella closed the Public Hearing and brought it back to the Council for a decision.

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

NEW BUSINESS

17. Council consideration of **Interim Urgency Ordinance No. 2006-956** establishing a moratorium on small-lot single-family residential developments.

City Attorney Mike Lyons gave report on this Item.

M/S Phipps/Vierra to have clerk read by Number and Title only. Vote 5/0. M/S Phipps/Vierra to pass Ordinance No. 2006-956 as an Interim Urgency Ordinance. 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 8:23 p.m.



Anthony Cannella, Mayor

ATTEST:


Brenda Scudder Herbert, City Clerk