

REGULAR MEETING OF THE CITY COUNCIL
May 22, 2006
Minutes

A regular 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: City Manager, Brad Kilger; City Attorney, Mike Lyons; Director of Finance, Sheila Cumberland; Director of Management Services, Bonnie White Silveria; Interim Director of Planning & Community Development, Nancy Brown; Director of Public Works, Joe Hollstein; Director of Parks, Recreation and Facilities, Doug Lemcke; Commander Brian Weber; Deputy City Clerk Cynthia Heidorn.

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

- A. Proclamation Proclaiming May as Asthma Awareness Month in the City of Ceres.
Jackie Parker, representing the Stanislaus County Asthma Coalition accepted the proclamation and thanked the City Council for their support.
- B. Report by the Ceres Library Branch Manager, Jim Velarde, gave a brief overview of the Library's planned summer reading programs for youth and teens.
- C. Report by the Ceres Youth Commission.
Ramena Amino president, reported to Council on recent activities and accomplishments which included raising \$76.00 at their Street Faire Raffle, Celebrity Waiters Night and a Howard Stevenson memorial site clean-up.

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

Ken Thornberry, Ceres resident expressed disappointment in the City Council decision to approve Ordinance No. 2006-954, approving a Rezone/Planned Community Master Plan on Richard Way and the moratorium on small-lot single-family development.

Mayor Cannella invited Mr. Thornberry to contact City Hall and schedule an appointment to discuss his reasons behind the decision.

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

MOTION: Approve the agenda as posted (or amended) and certification of posting.
MOVED: Moved by Lane/Seconded by Phipps
VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION

Mayor Cannella declared a conflict of interest for Item No. 16.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Sales Tax Digest Summary- First Quarter Collection of Fourth Quarter Sales. Municipal Utilities Dept. report for April, 2006.
 - b. Municipal Utilities Monthly Report for April, 2006.
 - c. Building Department Monthly Report for April, 2006
 - d. Parks, Recreation & Facilities Monthly Report for April, 2006.
 - e. Public Works Department Monthly Report for April, 2006.
 - f. Ceres Youth Commission Monthly Report.
2. Register of Audited Demands dated May 4 - 11, 2006.
3. **Resolution No. 2006-87** rejecting the claim of Juanna Sanchez Maldonado.
4. **Resolution No. 2006-88** accepting the Subdivision Improvements for the Corners at Eastgate Units 2, 3 & 4 Subdivisions as complete, accepting the dedications and authorizing filing of the Notice of Completion.
5. **Resolution No. 2006-89** approving an agreement with the Franchise Tax Board to provide Business License data to the State of California for the purpose of collecting state taxes.
6. **Resolution No. 2006-90** approving an agreement with MBIA to prepare Business License data for submission to the Franchise Tax Board for the purpose of collecting state taxes.
7. **Resolution No. 2006-91** approving the Annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2006-07 and setting a public hearing on June 26, 2006 to levy an assessment for CDRAB activities/projects. ***Pulled for Further Discussion.***
8. **Resolution No. 2006- 92** accepting the Final Map of the Maxim Estates Subdivision, approving the Land Division Improvement Agreement and rejecting the Offer of Dedication of Street Right-of-Way.
9. **Resolution No. 2006-93** stating its intent and ordering the annexation of the Maxim Estates Subdivision to the Landscape and Lighting District.
10. **Resolution No. 2006-94** accepting the Final Map of the Green River Estates Subdivision. ***Pulled for Further Discussion.***
11. **Resolution 2006-95** stating its intent and ordering the annexation of the Green River Estates Subdivision to the Landscape and Lighting District. ***Pulled for Further Discussion.***
12. **Resolution No. 2006-96** accepting the Final Map of the Tuscany Village Subdivision, approving the Land Division Improvement Agreement and rejecting the Offer of Dedication of Street Right-of-Way.

13. **Resolution No. 2006-97** stating its intent and ordering the annexation of the Tuscany Village Subdivision to the Landscape and Lighting District.

14. **Resolution No. 2006-98** approving the City of Ceres Transportation Development Act Claim and authorizing the Director of Public Works to sign and submit said claim to StanCOG.

MOTION: Approve Consent Calendar Items Nos. 1a-f, 2-6, 8-9 and 12-14 as recommended by staff.

MOVED: Moved by Vierra/Seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

ITEMS PULLED FOR FURTHER DISCUSSION

7. **Resolution No. 2006-91** approving the Annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2006-07 and setting a public hearing on June 26, 2006 to levy an assessment for CDRAB activities/projects.

Mayor Cannella commented that he thought the City Council should be the overseeing the Ceres Downtown Revitalization Area Board rather than Planning. He further stated that he would like to see standards developed for a master plan for a downtown area.

Mayor Cannella requested that this be the subject of a future City Council study session.

10. **Resolution No. 2006-94** accepting the Final Map of the Green River Estates Subdivision.

Mayor Cannella asked staff the status of this subdivision stating that it seemed to be progressing slowly.

Joe Hollstein, Director of Public Works commented that the developer is inexperienced. He further stated that he was not sure if they had started to build the model homes.

11. **Resolution 2006-95** stating its intent and ordering the annexation of the Green River Estates Subdivision to the Landscape and Lighting District.

Joe Hollstein, Director of Public Works pulled this item because the final map must be accepted prior to annexing the subdivision to the Landscape and Lighting District.

MOTION: Approve **Consent Calendar Items 7, 10 and 11 as recommended by staff.**

MOVED: Moved by Phipps/Seconded by Lane

VOTE: Motion passed unanimously. (5/0)

OLD BUSINESS

15. **Resolution No. 2006-99** hiring Nolte Associates to complete the Mitchell Road/Service Road/SR 99 Interchange Project Report and Environmental Document and appropriating funds from the street expansion reserve.

Joe Hollstein, Director of Public Works, gave an overview of the staff report explaining that the City entered into a contract with Nolte Associates in January, 2003, to prepare the Project Report and Environmental Document for the Mitchell Road/Service Road/SR 99 Interchange. For various reasons, the project was delayed and Council was dissatisfied with the quality of services received from Nolte. In January, 2006, Council directed staff to terminate the contract with Nolte and seek new proposals for the project.

Nolte Associates submitted a new proposal to complete the project by August, 2007. No other bids were received by the City.

Councilmember Vierra asked if the bid included design construction drawings.

Mr. Hollstein responded that the bid did not include design construction drawings and that other design firms will have a chance to bid on the drawing phase. He further stated that if the sales tax measure does not pass, the project will be delayed at least five years.

Mr. Hollstein further stressed that it is important for us to lock in the right-of-way footprint now so we can tell developers where they can and cannot build.

Councilmember Phipps asked if we should have the design construction drawings now too?

Mr. Hollstein stated that it is not necessary to do the drawings now. Standards change and we may have to do modifications.

Mayor Cannella stated that he was dissatisfied with Nolte's prior performance and would like a penalty clause written into the contract so that the City will have some recourse if Nolte does not perform again.

Chris Melton representing Nolte Associates expressed that Nolte had changed management during the project causing some of the difficulty. Mr. Melton assured Council that Nolte was committed to do their best to push the project through. He offered to do regular project updates for Council to keep them apprised of the progress.

Brad Kilger, City Manager stated that this project is a very high priority for Council and he will be tracking it closely.

MOTION: Approve **Resolution No. 2006-99** hiring Nolte Associates to complete the Mitchell Road/Service Road/SR 99 Interchange Project Report and Environmental Document **with the addition of the penalty clause in the contract** and appropriating funds from the street expansion reserve.

MOVED: Moved by Phipps/Seconded by Lane

VOTE: Motion passed unanimously. (5/0)

At 7:40 p.m. Council adjourned to the Ceres Redevelopment Agency Meeting.

At 7:42 p.m. Council reconvened to open session.

NEW BUSINESS

16. **Resolution No. 2006-100** approving a revised contract addendum for Ceres Master Plan #2 with RRM Design Group to provide planning services for the annexation of two additional County islands, and to authorize an amendment to the 2005/06 Budget for associated work tasks.

Nancy Brown, Interim Director of Planning and Community Development, gave an overview of the staff report. Ms. Brown explained that the City currently has a contract with RRM Design Group to provide planning services for the processing of an application for annexation for an island area just north of Service Rd. It is important that the application for annexation be filed prior to January 1, 2007 because of the provisions of AB 1555 which allows a Local Agency Formation Commission to approve an island annexation without protest and election if the proposal fulfills certain specific requirements. After January 1, 2007, protests and elections will be required to annex islands.

Staff is recommending the annexation of two additional islands at this time because of the provisions of AB 1555. LAFCO has reviewed the additional island areas for potential annexation. After review, LAFCO suggested that the island areas be included at this time because both are entirely surrounded by City boundaries and meet all other requirements AB 1555.

MOTION: Approve **Resolution No. 2006-100** approving a revised contract addendum for Ceres Master Plan #2 with RRM Design Group to provide planning services for the annexation of two additional County islands, and to authorize an amendment to the 2005/06 Budget for associated work tasks.

MOVED: Moved by Phipps/Seconded by Lane

VOTE: Motion passed with Mayor Cannella abstaining. (4/0/1)

REPORTS

Mayor Cannella reported on his upcoming activities including Celebrity Waiters Night on May 23, 2006 and the VFW dedication service in Whitmore Park on May 27, 2006.

Councilmember Lane reported that he would also be participating in Celebrity Waiters Night.

Vice Mayor Phipps reported that he attended his first Alliance Meeting on May 15th. He is looking forward to working on the Alliance Board.

Vice Mayor Phipps requested a status report on the Hatch Road BID and a future agenda item regarding an increase of Council salaries.

City Manager, Brad Kilger reported that the Fire Department raised \$14,000 in there "Fill the Boot" campaign on May 20th. Mr. Kilger thanked all staff involved.

Mr. Kilger further reported that staff has worked very hard to get the Freemont well on-line and the Rockefeller well should be up this week. He urged everyone to comply with the City's conservation ordinance.

Mr. Kilger and Councilmember Lane attended the League of California Cities Legislative Action Days on May 17, 2006 and met with Assemblyman Agazarian regarding the mobile home park status and we are putting an information packet together for him. Upcoming bills to watch include a telecommunications bill, various eminent domain bills, housing program.

Mayor Cannella expressed that he would like to meet quarterly with our representatives.

Joe Hollstein, Director of Public Works reported on the slurry seal program which is slightly behind due to rainy weather.

FUTURE STUDY SESSION ITEMS

- Full Report on the Freemont and Rockefeller Wells and Reservoir Report
- Developing a Legislative Action Briefing Packet
- Developing Standards for a Downtown Master Plan

Mayor Cannella adjourned to closed session at 8:02 p.m.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 2761 4th Street

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

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

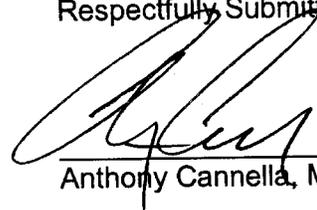
Under negotiation: Instruction given to negotiator may concern price and terms of payment.

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

Mayor Cannella reconvened to open session at 8:20 p.m. with nothing to report.

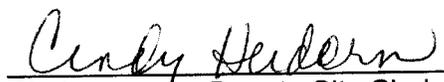
There being no further business, Mayor Cannella adjourned the meeting at 8:21 p.m. to the City Council Budget Workshop, June 7, 2006, 6:30 p.m. in the City Council Chambers, 2210 Magnolia, Ceres.

Respectfully Submitted:



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, Deputy City Clerk