

REGULAR MEETING OF THE CITY COUNCIL
July 24, 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; Interim Director of Community Development, Nancy Brown; Deputy Director of Community Development/Public Works Manager, Joe Hollstein; Director of Parks, Recreation and Facilities, Doug Lemcke; Director of Public Safety, Art de Werk; Deputy City Clerk Cynthia Heidorn.

INVOCATION by Reverend Craig A. Hunnel, Ceres Valley View Church of the Nazarene.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

APPROVAL OF THE MINUTES of the regular meeting of June 12, 2006 and June 26, 2006.

MOTION: Approve the minutes of June 12 and June 26, 2006 as recommended by staff.
MOVED: Moved by Phipps/seconded by Lane
VOTE: Motion passed unanimously. (5/0)

CITIZEN COMMUNICATIONS - None

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

MOTION: Amend the agenda to add Item No. 17 under New Business, approving the posted agenda as amended and finding that there is a need to take immediate action on Item No. 17 and the need to take action came to the attention of the City after the agenda was posted.
MOVED: Moved by Lane/seconded by Ochoa
VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION – Mayor Cannella declared a conflict of interest with Items 5 and 6 on the agenda.

CONSENT CALENDAR

- 1. General Correspondence – Information Only**
 - a. Municipal Utilities Dept. Monthly Report for June 2006.
 - b. Economic Development Quarterly Report April-June, 2006.
 - c. Parks, Recreation and Facilities Monthly Report for June, 2006.
 - d. Public Works Department Monthly Report for June, 2006.
 - e. Firefighter reimbursement program.

- 2. Register of Audited Demands dated June 22 – July 13, 2006.**

3. **Resolution No. 2006-134** ordering the levy and collection of Special Taxes within Community Facilities District No. 1 within the City of Ceres.
4. **Resolution No. 2006-135** ordering the levy and collection of Special Taxes within Community Facilities District No. 2 within the City of Ceres.
5. **Resolution No. 2006- _____** approving the Application for Apportionment of Assessment – Westpointe Assessment District, Westpointe Unit No. 4 and Authorizing filing of the Notice of Completion. ***Pulled – Conflict of Interest, Mayor Cannella***
6. **Resolution No. 2006 - _____** accepting the Subdivision Improvements for the Bing Cherry Estates Unit No. 2 Subdivision as complete, accepting the dedications and authorizing the filing of the Notice of Completion. ***Pulled – Conflict of Interest, Mayor Cannella***
7. **Resolution No. 2006-138** accepting the Ceres Municipal Utilities Water and Sewer SCDA System Project as complete and authorize the filing of the Notice of Completion.
8. **Resolution No. 2006-139** approving the purchase of Real Property at 2761 4th Street; authorizing execution of documents by City Manager; and accepting Deed to property.
9. **Resolution No. 2006-140** authorizing the renewal of the website maintenance contract with Alpha Internet Systems.
10. **Resolution No. 2006-141** amending the position classification plan to reclassify a Code Enforcement Officer Position to Supervising Code Enforcement Officer.
11. **Resolution No. 2006-142** approving Fiscal Year 2005/06 Carryover appropriations and Amending the 2006/07 Budget.
12. **Resolution No. 2006-143** approving the installation of a four-way stop and crosswalks at the intersections of Whitmore Ave. & Eastgate Blvd. ***Pulled for further discussion.***
13. **Resolution No. 2006-144** authorizing the City Manager to sign a contract with Precision Inspection Co. Inc., for subdivision inspection and code enforcement services.

MOTION: Approve Consent Calendar Items 1a - 1e, 2 – 4, 7 – 11 and 13 as recommended by staff.
 MOVED: Moved by Phipps/seconded by Lane
 VOTE: Motion passed unanimously. (5/0)

PULLED CONSENT CALENDAR ITEMS

5. **Resolution No. 2006-136** approving the Application for Apportionment of Assessment – Westpointe Assessment District, Westpointe Unit No. 4 and Authorizing filing of the Notice of Completion. ***Pulled – Conflict of Interest, Mayor Cannella***
6. **Resolution No. 2006-137** accepting the Subdivision Improvements for the Bing Cherry Estates Unit No. 2 Subdivision as complete, accepting the dedications and authorizing the filing of the Notice of Completion. ***Pulled – Conflict of Interest, Mayor Cannella***

MOTION: Approve Consent Calendar Items 4 and 5 as recommended by staff.
MOVED: Moved by Lane/seconded by Ochoa
VOTE: Motion passed with Mayor Cannella abstaining. (4/0/1)

12. **Resolution No. 2006-143** approving the installation of a four-way stop and crosswalks at the intersections of Whitmore Ave. & Eastgate Blvd. *Pulled for further discussion.*

Councilmember Phipps asked if there would be a flashing crosswalk at this intersection.

Joe Hollstein, Deputy Director of Community Development/Manager of Public Works, responded that there would be flashers installed on the signs but it is against California regulations to install flashing crosswalks at any intersection with traffic lights or stop signs installed.

Mayor Cannella asked if the traffic signal was being paid out of developer fees.

Mr. Hollstein responded that the traffic signal is part of the Benefit District and is paid from developer fees, however, prices increased more rapidly than anticipated so the developer fees may not be sufficient to pay the total cost. The City adjusted the fees as soon as it came to our attention, but over half the building permits had already been issued. Mr. Hollstein further stated that we would not know for sure until we receive the bids for the project.

Mayor Cannella commented that the City needs to take measures to ensure that the mitigation measures are paid by the development community without potential contributions from the City. He requested that staff build into the Conditions of Approval a stipulation that improvements be installed when the building permits issued reaches a certain number (whatever that number may be).

Mr. Brad Kilger, City Manager, concurred with the Council's opinion that the process for the installation of improvements needs to be tightened to ensure that there is not a potential need for the City to subsidize the improvements. Mr. Kilger stated that staff would be working with the development community to tighten up the Master Plan to coordinate the installation of improvements. There are several options to consider, designating a specific permit number, bonded CFDs, as well as updating the 5-year CIP which staff is currently working on.

MOTION: Approve **Resolution No. 2006-143** approving the installation of a four-way stop and crosswalks at the intersections of Whitmore Ave. & Eastgate Blvd as recommended by staff.
MOVED: Moved by Phipps/seconded by Lane
VOTE: Motion passed unanimously. (5/0)

PUBLIC HEARING

7. **Public Hearing** – to consider an appeal of a Planning Commission denial of a vesting tentative parcel map for the split of a .82 +/- acre lot into four parcels and approving **Resolution No. 2006-_____** approving a revised vesting tentative parcel map to split a .82 +/- acre lot into two parcels for future construction of single family homes at 3221 Barry

Court. Proposal has now been reduced to two lots. (Application Number 05-58 VTPM, Gene Guzman, Applicant).

Nancy Brown, Interim Director of Planning and Community Development, stated that the Applicant, Mr. Ceasar Flores, has submitted a letter requesting that his application be withdrawn.

Council accepted withdrawal of the application No. 05-58 VTPM, Mr. Ceasar Flores, Applicant.

At Mayor Cannella's request, Item No. 17 was heard prior to New Business.

- 17. Urgency Ordinance No. 2006-_____** amending Section 13.04.130 A 2, 3, 4 and 5 of the Ceres Municipal Code to Change the Regulations Relating to Citations for Violations for Water Wasting and **Resolution No. 2006-_____** establishing the penalty schedule for citations issued for water wasting.

Mike Lyons, City Attorney gave an overview of the staff report stating that the City has been experiencing record water usage that is having an adverse effect on water system pressure. While the system is pumping at the same rate as last year, 12,200 gallons per minute, the demand for water has increased by 1.5 million gallons per day over the last year for residential use. The extreme temperatures have only aggravated the situation. The result is a decrease in water pressure during peak periods. A number of projects are underway to increase capacity and reduce demand on the system but staff feels steps need to be taken to help reduce water wasting. The current water conservation ordinance does not allow for prompt or effectual enforcement of the water wasting regulations. The ordinance amendment will bolster enforcement capabilities and provide more strict fines for water wasters. Immediate enforcement of the new procedures will help to significantly curb excessive water use, lower water demand and increase water pressure available in the system. Mr. Lyons further stated that should Council wish to approve the urgency ordinance, a 4/5th vote of the Council was required.

Steve, Wilson, Director of Municipal Utilities, and Joe Hollstein, Deputy Director of Community Development and Manager of Public Works, recapped the steps taken by staff in the last two year to improve City water pressure. Unfortunately, three of the Cities wells which test positive for high levels of uranium and had to be taken off-line for treatment. Two of the three wells are now back in operation. It was decided that the City parks would be taken off the City water system and placed on wells. To date, two of the park wells have been completed, the watering schedule for the remaining parks has been altered so as not to compete with residential watering schedules until they can be removed from the City system. In 2005 Council voted to construct a reservoir, to be completed in October, 2006, that will produce another 3,500 gallons per minute. The City currently pumps 3.3 billions gallons per year with only 1 billion going to waste water. The question is, what is the other 2.3 billion being used for? Mr. Wilson said that he felt it was primarily going to irrigate landscaping.

Brad Kilger, City Manager, stressed that we needed to get through the immediate situation and then thoroughly examine our entire system so we can identify the problems and define what needs to be done. Demand per capita has increased, we may have to decide if we want to meet the demand.

Council raised the question of the effect of low water pressure on Public Safety.

Art de Werk, Director of Public Safety, commented that the Department of Public Safety continually monitors water pressure and has contingency plans in case the water pressure drops to the low 20s.

Council offered the following suggestions for staff:

- Adjusting the watering schedules for those schools that are on the City system. Partner with the School District to place those schools on landscape wells.
- Consider a non-potable system for landscaping.
- Update and enforce the landscaping ordinance for the City.
- Develop a City-wide master plan to identify the problems, define what needs to be done and an implementation plan.
- Build a requirement into the final inspection for developers to re-set the sprinkler to conform with the City's watering schedule.
- Keep the citizenry informed! Place conservation information and watering schedules in every water bill during summer months; put an ad in the Courier; let them know that we are aware there is a problem and the steps we are taking to remedy the problem.

MOTION: To adopt Urgency Ordinance No. 2006-959 amending Section 13.04.130 A 2, 3, 4, 5 and 8 of the Ceres Municipal Code to Change the Regulations Relating to Citations for Violations for Water Wasting as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

MOTION: To adopt Resolution No. 2006-145 establishing the penalty schedule for citations issued for water wasting.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

At 8:35 p.m. Council adjourned to the Ceres Redevelopment Agency meeting.

At 8:37 p.m. Council reconvened to the City Council Meeting.

NEW BUSINESS

8. Council discussion and direction on the feasibility of a finance measure to enhance funding for critical Public Safety services.

Betina McCoy, Assistant to the City Manager/Information Officer, presented the item to Council stating that the Department of Public Safety currently utilizes 72 percent of the City's General Fund. Any additional increase in public safety services will have a significant effect on the City's ability to provide other essential services unless additional revenue sources are identified. One possible source of additional revenue is a finance measure. Staff contacted the City of Manteca regarding its upcoming police and fire revenue measure and scheduled

an information meeting with their consultant Law Edwards Group (LEG). The LEG has a 100% win rate for public safety finance measures. Staff is requesting direction from Council on their level of interest in contracting with LEG to investigate whether some form of revenue measure would be a feasible method of enhancing funding for critical public safety services.

Brad Kilger, City Manager, stressed that approving this item does not commit the City to a revenue measure, it is only approval for an investigation to see if the citizenry would support such a measure.

Council directed staff to proceed with the investigation on the feasibility of a finance measure to enhance funding for public safety services and bring back an agreement to procure professional services and a scope of work to conduct such an investigation.

9. Council discussion of FY 06/07 Strategic Priorities Status Report.

Brad Kilger, City Manager provided Council with an update on their FY 06/07 strategic priorities. Many of the short term priorities have been completed. The longer term priorities are all progressing. Mr. Kilger also provided Council with a Major Project List emphasizing those individual capital and master planning projects that are key to the accomplishment of the Council's priorities.

Council unanimously accepted the report.

REPORTS

Various reports were given by Council and staff including the following upcoming events:

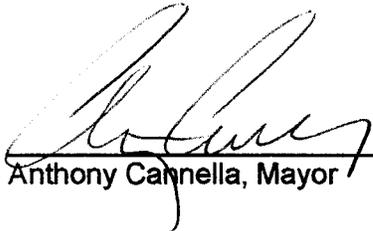
- July 26, 2006 - Retirement Reception for Bonnie White Silveria
- July 27, 2006 - Mobile Home Park Committee meeting.
- August 10, 2006 – Joint City Council/Planning Commission Study Session

There being no further business, Mayor Cannella adjourned the meeting at 8:46 p.m.

Mayor Cannella reconvened the meeting at 8:48 p.m. for an announcement from Art de Werk, Director of Public Safety.

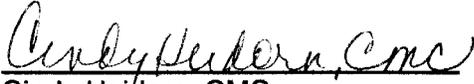
Mr. de Werk announced that Stanislaus County was declaring a State of Emergency for the current heat wave. The primary reason for the State of Emergency was to allow the County to adequately dispose of animals that have perished from the heat.

There being no further business, Mayor Cannella adjourned the meeting at 8:52 p.m.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidom, CMC
Deputy City Clerk

