

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
August 28, 2006**

The regular meeting was called to order at 7:04 p.m. by Mayor Cannella with the following in attendance.

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

INVOCATION by Mayor Anthony Cannella.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Presentation by Imagine It Children's Museum, Joyce Stetler and Jacquelyn Wimberley.

Jacquelyn Wimberley, curator of the Imagine It Children's Museum highlighted the accomplishments of the museum since they opened their doors in July, 2005. Several volunteers and children spoke in support of the museum. Ms. Wimberley requested a partnering relationship with the City of Ceres.

Mayor Cannella requested that Ms. Wimberley outline a partnering program and bring it back to Council for discussion.

CITIZEN COMMUNICATIONS

Jay Simmonds representing CUSD spoke in support of Imagine It Children's Museum. Mr. Simmonds also thanked Chief de Werk and Commander Borges for their assistance in diffusing a recent incident at one of the schools.

Leonard Sheppard, Ceres resident, admonished people to attend more City Council meetings and get involved in City matters.

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

MOTION: Approve the agenda as posted (or amended) and certification of posting as recommended by staff.

MOVED: Moved by Phipps/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION - Mayor Cannella declared a conflict with Item No. 12 on the Consent Calendar.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Municipal Utilities Dept. Monthly Report for July 2006.
 - b. Office of Traffic Safety 2006 DUI Checkpoint Grant Program Application.
 - c. Parks, Recreation and Facilities Monthly Report for July, 2006.
2. Register of Audited Demands dated August 14, and August 18, 2006.

3. **Resolution No. 2006-157** rejecting the claim of Lorenzo Garcia.
4. **Resolution No. 2006-158** authorizing the destruction of certain personnel records.
5. Set public hearing date of September 25, 2006 for review and approval of the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER).
6. Set public hearing date of September 11, 2006 for consideration of the adoption of a Development Agreement between the City of Ceres and Raymond Greer Construction Co., Inc. affecting real property located at the northeast corner of Mitchell Road and Fowler Road, consisting of 2.45+/- acres of undeveloped property. (06-37 DA)
7. **Resolution No. 2006-159** approving an agreement with Ceres Youth Soccer (CYSO) to conduct a youth soccer program at Ceres River Bluff Regional Park. ***Pulled for further discussion.***
8. **Resolution No. 2006-160** approving the naming of the northwest soccer field at Ceres River Bluff Regional Park "Lou Toste Field".
9. **Resolution No. 2006-161** approving the agreement with the Ceres Unified School District for two School Resource Officers and amending the 2006/07 Budget to add an additional School Resource Officer.
10. **Resolution No. 2006-162** accepting the 2005 Traffic Signal Project as complete and authorize the filing of the Notice of Completion.
11. **Resolution No. 2006-163** awarding the 2006 Traffic Signal Project to Pacific Excavation Inc. and amending the 2006/07 Budget to appropriate funds.
12. **Resolution No. 2006-164** awarding the Hatch Road Overlay/Reconstruction Project and amending the 2006/07 Budget to appropriate funds. ***Pulled – Conflict of Interest, Mayor Cannella.***
13. **Resolution No. 2006-165** approving the release of the request for bids for Fire Station #4.
14. **Resolution No. 2006-166** declaring certain City property as surplus and ordering its sale.
15. **Resolution No. 2006-167** awarding contract for the 2006 Neighborhood Park Project to Grover Landscaping and amending the 2006/07 Budget to appropriate funds. ***Pulled for further discussion.***

MOTION: Approve Consent Calendar Items 1a – 1c, 2 – 6, 8 – 11 and 13 and 14 as recommended by staff.

MOVED: Moved by Vierra/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

ITEMS PULLED FOR FURTHER DISCUSSION

7. **Resolution No. 2006-159** approving an agreement with Ceres Youth Soccer (CYSO) to conduct a youth soccer program at Ceres River Bluff Regional Park.

Doug Lemcke, Director of Parks, Recreation and Facilities gave a brief overview of the staff report. He further stated that CYSO was requesting a change with regard to the striping of the soccer fields. CYSO had originally agreed to supply the paint and stripe the soccer fields, but were now requesting that, while they will still provide the paint, they would prefer the City stripe the fields. Mr. Lemcke felt that the additional cost to the City could probably be absorbed in the existing budget. The City would be striping the fields for uses by the School District and CYSO would only add an additional 10 weeks of striping. It would provide consistency to the soccer fields.

Council raised concerns with the contract and requested changes from CYSO. After further discussion Council made the following motion:

MOVED: Approve the form of the contract with the following changes:

Section A2 – Provide CYSO with priority rights for the use of Ceres River Bluff Regional Park **soccer fields** pursuant to the City's agreement.

Section A4 – **During the months of September, October and November**, the City shall reserve all soccer fields for CYSO. Said scheduling occurs after receipt of CYSO's schedule as provided in this agreement.

Section B1 - No general public scheduling for **the soccer fields** shall occur on Saturdays from the first Saturday in September thru the last Saturday in November.

Section B10- The Term of Agreement will be for a period beginning ~~September 1, 2006 through August 31, 2011~~ *replace with* **September 1, 2006 through August 31, 2007.**

Section B11- ~~This agreement may be terminated by the mutual agreement of the parties.~~ *replace with* **This agreement may be terminated by either party.**

MOVED: Moved by Vierra/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

12. **Resolution No. 2006-164** awarding the Hatch Road Overlay/Reconstruction Project and amending the 2006/07 Budget to appropriate funds.

Mayor Cannella declared a conflict of interest with this item.

MOTION: Approve **Resolution No. 2006-164** awarding the Hatch Road Overlay/Reconstruction Project and amending the 2006/07 Budget to appropriate funds as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

- 15. Resolution No. 2006-167** awarding contract for the 2006 Neighborhood Park Project to Grover Landscaping and amending the 2006/07 Budget to appropriate funds.

Mayor Cannella pointed out that the City is moving forward with two parks and this is the first park construction in 13 years.

MOTION: Approve **Resolution No. 2006-167** awarding contract for the 2006 Neighborhood Park Project to Grover Landscaping and amending the 2006/07 Budget to appropriate funds as recommended by staff.

MOVED: Moved by Vierra/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

NEW BUSINESS

- 16. Ordinance No. 2006-960** amending Title 12 of the Ceres Municipal Code to add a new Chapter 12.28 to provide for the regulation and removal of obstructions on public streets and sidewalks. **First Reading and Introduction.**

Mike Lyons, City Attorney gave an overview of the staff report.

7:50 p.m. Mayor Cannella opened the item for any public comment.

Rose Nunes, Valley Oak Drive, felt that it was not fair to place restrictions on everyone when only a few people were causing a problem.

Leonard Sheppard, Fowler Rd., commended the City Attorney for coming up with a comprehensive ordinance. He feels it is dangerous for children to play in the streets. They should play in their driveways or backyards.

7:58 p.m. There being no one else wishing to speak, Mayor Cannella closed public comment and opened the item for Council discussion.

Councilmember Vierra stated that he is not against basketball hoops, but he feels that children should not be encouraged to play in the streets.

Vice Mayor Phipps concurred with Councilmember Vierra.

Councilmember Lane stated that he is in support the ordinance but feels it is a little strict. He believes that most people are doing a good job in keeping their play equipment and waste wheelers out of the street. He recommended that the required time to remove the obstruction after the warning is issued be changed from two days to ten days.

Mayor Cannella stated that he does not like people playing in the street but he does not see an alternative. He feels there are not enough parks and yards aren't big enough. Mayor Cannella further stated that he would not support the ordinance.

MOTION: Move to waive full reading and have the **Ordinance No. 2006-960** read by number and title only.

MOVED: Moved by Vierra/seconded by Phipps
VOTE: Motion passed unanimously. (5/0)

MOTION: Approve **Ordinance 2006-960** for first reading and introduction with the stipulation that the time required to remove the obstruction after receiving a warning be changed from ~~two~~ to **ten** days.

MOVED: Moved by Vierra/seconded by Phipps
VOTE: Motion passed with Mayor Canella voting No. (4/1)

17. Ordinance No. 2006-961 amending Title 2, Chapter 2.32 of the Ceres Municipal Code to increase compensation for Councilmembers and the Mayor and to provide City health care benefits. **First Reading and Introduction.**

Mike Lyons, City Attorney gave an overview of the staff report.

8:18 p.m. Mayor Cannella opened the item for any public comment.

Lewis Jordan, Wild Oak Drive, stated that he felt the increase was well deserved.

8:20 p.m. There being no one else wishing to speak, Mayor Cannella closed public comment and opened the item for Council discussion.

Councilmember Vierra stated that it had been 21 years since any Council increased compensation and he hoped that the increase would provide more interest in the citizenry to run for office.

Vice Mayor Phipps concurred that he hoped the increase in compensation would provide an incentive.

Mayor Cannella stated that although he is against the increase, his fellow Councilmembers are worth the raise and more.

MOTION: Move to waive full reading and have the **Ordinance No. 2006-961** read by number and title only.

MOVED: Moved by Phipps/seconded by Lane
VOTE: Motion passed unanimously. (5/0)

MOTION: Approve **Ordinance 2006-961** amending Title 2, Chapter 2.32 of the Ceres Municipal Code to increase compensation for Councilmembers and the Mayor and to provide City health care benefits as recommended by staff.

MOVED: Moved by Phipps/seconded by Vierra
VOTE: Motion passed with Mayor Canella voting No. (4/1)

18. Interim Urgency Ordinance No. 2006-962 establishing a moratorium on the conversion of multiple family rental housing to condominiums, community apartments or stock cooperatives.

Mike Lyons, City Attorney introduced the staff report explaining that this is an Interim

Urgency Ordinance that will be in effect immediately upon passage by a 4/5 vote of the Council.

8:33 p.m. Mayor Cannella opened the item for any public comment.

Kathy Astrike, representing Davidon Homes, Walnut Creek, requested to be included in the study of the conversion of multiple family rental housing to condominiums, community apartments or stock cooperatives. She stated that she is currently working with six other cities currently doing the same study.

Mayor Cannella stated that he feels we need to develop an ordinance that meets the needs of the City and then get input from outside sources rather than using outside sources to set the standard for the City.

8:34 p.m. There being no one else wishing to speak, Mayor Cannella closed public comment and opened the item for Council discussion.

MOTION: Approve **Interim Urgency Ordinance 2006-962** establishing a moratorium on the conversion of multiple family rental housing to condominiums, community apartments or stock cooperatives as recommended by staff.

MOVED: Moved by Vierra/seconded by Phipps

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.

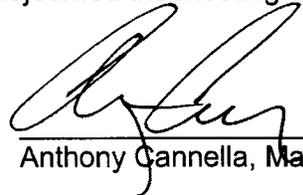
REPORTS

Councilmember Lane reported that the next Mobile Home Park Ad Hoc Committee Meeting will take place on August 31, 2006.

Doug Lemcke, Director of Parks, Recreation and Facilities reported that the Opening Day for Ceres Youth Soccer and the Ribbon Cutting for the Ceres River Bluff Regional Park will be Saturday, September 9, 2006.

Art de Werk, Director of Public Safety, reported that increased DUI Enforcement will begin on August 30, 2006 and run through September 4, 2006. He further reported that NIMS training is underway and many City employees will be attending in the next few weeks.

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



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, CMC
Deputy City Clerk