

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
September 11, 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 Lane, Ochoa, Vierra and Mayor Cannella.

INVOCATION by Deacon Bill Gearhart First Southern Baptist Church.

911 REMEMBRANCE PRESENTATION

- Present Colors And Pledge Of Allegiance – American Legion and VFW
- Short Message On The Need To Remember 9.11
- Poem by Kathy Cotner, Women's Auxiliary
- 21 Gun Salute – American Legion And VFW
- Taps

PRESENTATION

- A. Proclamation Declaring September 18 – 24, 2006 as "National Pollution Prevention Week".

Mayor Cannella read the Proclamation into the record.

APPROVAL OF THE MINUTES of the regular meeting of August 28, 2006.

MOTION: Approve the minutes of August 28, 2006 with the following change to Item #15:
Motion passed unanimously (5/0).

MOVED: Moved by Lane /seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

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

- Leonard Sheppard, Fowler Road, said a few words in remembrance of the Firefighters and Police Officers who lost their lives during the 9.11 incident. Mr. Sheppard thanked the Department of Public Safety for the work they do everyday.
- Sharon Birch, Colony Park resident, wanted to publicly thank the City Council and City staff for their efforts in improving the living conditions in the Colony Park mobile home community.

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 Ochoa

VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION – Councilmember Lane declared a conflict with Item No. 5 on the Consent Calendar.

CONSENT CALENDAR

1. Register of Audited Demands dated for the period covering August 26 – September 1, 2006.
2. **Resolution No. 2006-168** accepting the 2006 Local Agency Biennial Notice for the City of Ceres and the Ceres Redevelopment Agency as Required by the Political Reform Act.
3. **Resolution No. 2006-170** accepting the Director of Public Safety Recommendations for Supplemental Law Enforcement Services Fund (SLESF) Expenditures.
4. **Resolution No. 2006-171** approving annexation map and declaring its intention to annex certain territory to the City of Ceres Community Facilities District No. 1 (Public Services) and to levy a special tax therein to finance certain public services in and for such territory.
5. **Resolution No. 2006-____** approving Lease/Purchase Agreement with Mo-Cal Office Solutions for the acquisition of photocopier equipment and annual maintenance agreement for the City of Ceres Department of Public Safety. ***Pulled – Conflict of Interest, Councilmember Lane***

MOTION: Approve Consent Calendar Items 1 - 4 as recommended by staff.

MOVED: Moved by Vierra/seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

ITEMS PULLED FROM THE CONSENT CALENDAR

5. **Resolution No. 2006-____** approving Lease/Purchase Agreement with Mo-Cal Office Solutions for the acquisition of photocopier equipment and annual maintenance agreement for the City of Ceres Department of Public Safety.

Councilmember Lane declared a conflict of interest for this item stating that Mo-Cal Office Solutions was his employer.

Mike Lyons, City Attorney, stated that California Government Code Section 1090 prohibits a City from contracting with a company where a councilmember is employed. However, Government Code has a provision for such contracting when the councilmember has a "remote interest" in the contract and if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

Mr. Lyons certified that Councilmember Lane did have a remote interest in the contract and further stated that Councilmember Lane did not participate in any of the discussions relating to the contract proposal.

MOTION: Approve **Resolution No. 2006-172** approving Lease/Purchase Agreement with Mo-Cal Office Solutions for the acquisition of photocopy equipment and annual maintenance agreement for the City of Ceres Department of Public Safety as recommended by staff.

MOVED: Moved by Vierra/seconded by Phipps

VOTE: Motion passed with Councilmember Lane abstaining. (4/0/1)

7:26 p.m. Council recessed for a short break and then to the Ceres Redevelopment Agency Meeting.

7:42 Council reconvened in open Session.

UNFINISHED BUSINESS

6. **Waive Second Reading and Adopt 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.

Mike Lyons, City Attorney, gave a brief overview of the staff report stating that per council direction, the time allowed to remove obstructions after receiving a warning was changed from two to ten days.

7:44 p.m. Mayor Cannella opened the item to public comment.

Those speaking in favor of adopting Ordinance No. 2006-960:

- Michael Rollins, Turlock Firefighter

Those speaking against adopting Ordinance No. 2006-960:

- John Miles, Mockingbird Lane
- Corey Miles, Mockingbird Lane

7:50 p.m. there being no one else wishing to speak, Mayor Cannella closed public comment and opened the item for Council discussion.

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 Lane

VOTE: Motion passed unanimously (5/0)

MOTION: Adopt **Ordinance 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.

MOVED: Moved by Vierra/seconded by Phipps

VOTE: Motion passed with Mayor Cannella voting No. (4/1)

- 7. **Waive Second Reading and Adopt 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.

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

7:55 p.m. Mayor Cannella opened the item to public comment.

7:56 p.m. there being no one wishing to speak, Mayor Cannella closed public comment and opened the item for Council discussion.

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: Adopt **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.

MOVED: Moved by Phipps/seconded by Vierra

VOTE: Motion passed with Mayor Cannella voting No. (4/1)

PUBLIC HEARING

- 8. Public Hearing for consideration of approval of **Ordinance No. 2006-963** adopting 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) **First Reading and Introduction.**

City Attorney, Mike Lyons, gave a brief overview of the item explaining that the City of Ceres has entered into an agreement to sell the real property at the northeast corner of Mitchell and Fowler Roads to Raymond Greer Construction Company, Inc. As a condition precedent to the close of escrow on the purchase and sale of this property, the purchase agreement requires that the City of Ceres and Greer enter into a mutually agreed upon development agreement. The purpose of this Development Agreement is to require that the Developer (Greer), as part of the development of the subject property, create a parcel at the northeast corner to be used for the development of a sit-down dinner house type restaurant.

8:02 p.m. Mayor Cannella opened the Public Hearing.

8:03 p.m. there being no one wishing to speak, Mayor Cannella closed the Public Hearing.

MOTION: Move to waive full reading and have the **Ordinance No. 2006-963** read by number and title only.

MOVED: Moved by Phipps/seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

MOTION: Adopt **Ordinance 2006-963** approving 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)

MOVED: Moved by Phipps/seconded by Lane

VOTE: Motion passed unanimously. (5/0)

REPORTS

Councilmembers and City Staff reported on various recent activities including the League of California Cities Conference, the ribbon cutting ceremony for the Ceres River Bluff Regional Park which was attended by approximately 1,000 people and the TRRP Groundbreaking on September 14, 2006.

COUNCIL REQUESTS

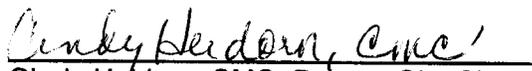
- Improvements to the BBQ at Smyrna Park.
- Study Session on City Council Rules of Order

There being no further business, Mayor Cannella adjourned the meeting at 8:18 p.m. to the City Council Avian Flu Study Session on September 14, 2006 at 6:30 p.m. in the Ceres City Council Chambers 2210 Magnolia Street.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, CMC, Deputy City Clerk