

**CERES CITY COUNCIL
REGULAR MEETING MINUTES
September 25, 2006**

Mayor Cannella called the Closed Session to order at 6:30 p.m.

CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Kenneth Caves

Employee Organization: Ceres Department of Public Safety, Firefighters Association *Pursuant to Gov't. Code Section 54957.6.*

7:00 p.m. - Mayor Cannella adjourned the meeting to Open Session with nothing to report.

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

EXCUSED: Councilmember Lane

INVOCATION by Pastor Mark Whitehead, Victory Assembly of God.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

APPROVAL OF THE MINUTES of the regular meeting of September 11, 2006.

MOTION: Approve the minutes of September 11, 2006 as recommended by staff

MOVED: Moved by Phipps/seconded by Ochoa

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

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

Len Shepherd, Fowler Road, commented that Ceres city streets had far fewer potholes than those of neighboring communities. He also thanked the Department of Emergency Services for the job they perform.

Alex Oregel, Wild Oak Drive, raised concerns with the noise from the trucking company that is located behind his subdivision. Mr. Oregel stated that the main hours of operation are at night and the noise is making it difficult to sleep. He requested Council assistance.

Mike Lender, Wild Oak Drive, also expressed concern about the noise the trucking company generates at night. As a solution, he suggested that the City install a sound wall to help mitigate the noise.

Mr. Charles Clawson, trucking company owner, stated that the trucking company has been in its location since the mid-seventies and he has been the owner since 1988. He is aware of the noise the operations generate and he empathizes with the property owners. The reefers, which generate a lot of noise, have been relocated further away from the subdivision.

Brad Kilger, City Manager, stated that the City "inherited" the trucking company from the County when the area was annexed. Since the trucking company has been in that location for so long, he was not sure there was much the City could do about it. Mr. Kilger and Police Chief Art de Werk are investigating the matter and will provide Council with an update in approximately two weeks.

Ms. Thompson, Modesto resident, expressed her concerns with Ceres Dial-A-Ride. She stated that because she lives in "Modesto" just barely outside of City of Ceres limits, Ceres Dial-A-Ride would not go to her house. Modesto Dial-A-Ride will take her home but they do not run as often as Ceres Dial-A-Ride. Joe Hollstein, Public Works Manager/City Engineer spoke privately with Ms. Thompson to try to rectify her problem.

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 Vierra

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

CONFLICT OF INTEREST DECLARATION – None.

CONSENT CALENDAR

1. **General Correspondence – Information Only**
 - a. Public Works Department Monthly Report for August, 2006.
2. Register of Audited Demands dated September 5 – 9 and September 15, 2006.
3. **Resolution No. 2006-172** rejecting the claim of Morgan Duncan, President of Greater Access Financial.
4. **Resolution No. 2006-173** authorizing the installation of "No Parking" signs on Stonum Road from 500 feet north of centerline of Hatch Road to 880 feet north.
5. **Resolution No. 2006-174** authorizing the installation of an all-way stop with the crosswalks at the intersection of Morgan Road and Aristocrat Drive.
6. **Resolution No. 2006-175** approving "No Truck Parking" signs at various locations in the City of Ceres.
7. **Resolution No. 2006-176** authorizing the installation of stop signs at the various intersections in the City of Ceres.
8. **Resolution No. 2006-177** authorizing the installation of an all-way stop at the intersection of Waynesboro Drive and Liquid Amber Lane.
9. **Resolution No. 2006-178** approving payment to Stanislaus County Employees Retirement Association (StanCERA) in the amount of \$258,528.31 for the costs related to the Ventura

Settlement of Retirement Benefits of Retirees and amending the FY 2006/07 Budget to

- 10. **Resolution No. 2006-179** awarding Morgan Road and Hackett Road Traffic Signal Project to Pacific Excavation Inc. and amending the 2006/07 Budget to appropriate additional funds.
- 11. Set the Public Hearing date of October 9, 2006, for consideration of Interim Urgency Ordinance No. 2006-_____ extending the moratorium on the conversion of multiple family rental housing to condominiums, community apartments or stock Cooperatives.

MOTION: Approve Consent Calendar Items No. 1-11 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

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

At 7:37 p.m. Council adjourned to the Ceres Redevelopment Agency meeting.

At 7:44 p.m. Council reconvened to the City Council Meeting.

UNFINISHED BUSINESS

- 12. Waive second reading and adopt **Ordinance No. 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) **Second Reading and Adoption.**

City Attorney, Mike Lyons, gave a brief overview of the item explaining that this is the second reading and adoption of an ordinance which approves the development agreement between the City of Ceres and Raymond Greer Construction Co., Inc. 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.

This ordinance shall take effect and be in full force thirty days from and after its adoption.

7:48 p.m. Mayor Cannella opened the item for public comment.

7:49 p.m. There being no one wising 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. 2006-963** read by number and title only.

MOVED: Moved by Vierra/seconded by Phipps

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

- 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 Vierra/seconded by Phipps
- VOTE: Motion passed with Councilmember Lane Absent. (4/0/1)

PUBLIC HEARING

13. Public Hearing to consider **Resolution No. 2006-180** amending the Conflict of Interest Code to reflect changes in the organization, title changes and add designated positions.

Mike Lyons, City Attorney, stated that Government Code Section 8730 requires that a public agency adopt and promulgate a Conflict of Interest Code which designates certain positions within the City which make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest. The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or alternatively, that the code must be amended.

At the September 11, 2006 City Council Meeting, Council accepted the 2006 Local Biennial Notice for the City of Ceres indicating that certain amendments must be made to the City's Conflict of Interest Code to reflect changes in organization, title changes and add designated positions. Notice of the amendment was duly given to each affected employee and by posting the proposed amendments.

The Public Hearing was opened at 7:50 p.m.

There being no one wishing to speak, the Public Hearing was closed at 7:51 p.m.

Council having no questions moved to approve.

MOTION: Approve **Resolution No. 2006-180** amending the Conflict of Interest code to reflect changes in the organization, title changes and add designated positions as recommended by staff.

MOVED: Moved by Phipps/Seconded by Ochoa

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

14. Public Hearing to review the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER) relating to the FY 2005/2006 Community Development Block Grant and Emergency Shelter Grant.

Nancy Brown, Housing Coordinator, introduced the staff report explaining that the Stanislaus County Consortium, consisting of the cities of Oakdale, Patterson, Newman, Ceres, Waterford and the County, receive annual allocations of funds for CDBG and Emergency Shelter Grant activities. One requirement of the program is to prepare an annual report, conduct a public hearing and submit the report Department of Housing and Urban Development.

The City of Ceres was allocated a total of \$377,307.00, which will be carried over to the current fiscal year for infrastructure improvements in the area of Richland Ave. and Richard Way.

The Public Hearing was opened at 7:55 p.m.

There being no one wishing to speak, the Public Hearing was closed at 7:56 p.m.

Mayor Cannella asked Ms. Brown if the City had to use the money for the Richard Way improvements or could the City choose another project.

Ms. Brown explained that the City, several months ago, identified two projects for improvements; Richard Way and the County island north of Service Road and east of Central Avenue. The funds must be used for one of the two projects. She further stated that Council will have the opportunity, in approximately six months, to identify new projects.

MOTION: Approve the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER) relating to the FY 2005/2006 Community Development Block Grant and Emergency Shelter Grant.

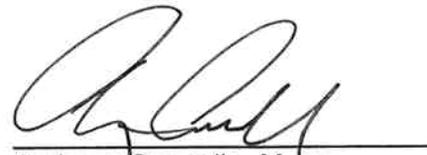
MOVED: Moved by Phipps/Seconded by Vierra

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

REPORTS

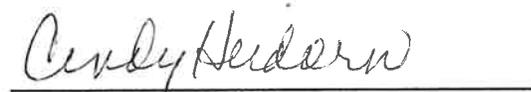
Councilmembers and City staff reported on various recent activities including the Ceres Chamber of Commerce Golf Tournament, the Soroptomist Ice Cream Social and the El Concilio Annual Gala. An announcement was made for the City Graffiti Wipe Out event which will be held on Saturday, October 30, 2006.

There being no further business Mayor Cannella adjourned the meeting at 8:04 p.m.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, CMC, Deputy City Clerk

This Page Left Intentionally Blank