

**CITY COUNCIL  
REGULAR MEETING MINUTES**

**December 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 Pastor Dave Broyles, Ceres Christian Church.

**PLEDGE OF ALLEGIANCE** to the flag led by Mayor Cannella.

**PRESENTATIONS**

- A. Presentation by Keith Boggs, Stanislaus County CEO's Office, regarding travel and tourism in Stanislaus County.

Keith Boggs, representing the Stanislaus County CEO's Office, gave an overview of the regional tourism strategic plan for 2007-2008 stating that their goal is to promote a regional perspective for economic development with an emphasis on local travel and tourism.

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

- John Chavez, Ceres resident, expressed concern that the Council Study Session to discuss the design of Lion's Park, originally scheduled for December has been postponed and the neighborhood residents will not be notified of new meeting date.

Brad Kilger, City Manager, responded that the design of Lion's Park, which was originally scheduled for a December Council Study Session, has now been scheduled for the Council Study Session of February 15, 2007.

Mayor Cannella commented that the December Study Session was cancelled per his request. He further stated that the construction of Lion's Park will not begin until other issues the City is facing on that park are addressed, primarily piping the storm drain to the river which will take a long time. He recommended that Mr. Chavez contact City staff on February 1, 2007, to confirm that the Lion's Park project is still on the agenda for the February 15, 2007 Study Session.

- Teri Tillman, representing the Ceres Chamber of Commerce spoke regarding some upcoming Chamber activities.
- Len Shepherd, Ceres resident, thanked Council for their integrity and honesty and also thanked the Department of Public Safety for working hard to keep the City safe.

**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 - None**

**CONSENT CALENDAR**

1. Register of Audited Demands for the period covering November 9 – November 30, 2006.
2. Acceptance of the Ceres Redevelopment Agency Annual Report for Fiscal Year 2005-2006.
3. **Resolution No. 2006-218** declaring the results of the November 7, 2006 Consolidated Special Municipal Election.
4. **Resolution No. 2006-219** approving the Whitmore Avenue right-of-way Quit Claim deed to KFC Incorporated upon the completion of the Whitmore Overcross Project.
5. **Resolution No. 2006-\_\_\_\_\_** approving the boundary map and declaring the intention to establish Community Facilities District No. 3 (Public Services) and to levy a special tax to finance certain public services in and for such community facilities district. ***Pulled for further discussion.***
6. **Resolution No. 2006-221** authorizing application to and acceptance of a 2007 Office of Traffic Safety "Click It or Ticket" grant.
7. **Resolution No. 2006-222** authorizing application to the California Department of Transportation for a 2007 "Safe Routes to Schools" grant.
8. **Resolution No. 2006-223** approving the Lot Line Adjustment for Ceres Commerce Center, LLC, 1384 and 1396 Mitchell Road.
9. **Resolution No. 2006-\_\_\_\_\_** approving the purchase of Wellhead Tréatment Equipment from Mobile Process Technology of Memphis, Tennessee. ***Pulled for further discussion.***
10. **Resolution No. 2006-\_\_\_\_\_** approving the 5-year Capital Improvement Program, accepting the Planning Commission's finding of conformity with the General Plan, certifying certain projects as exempt from the California Environmental Quality Act Requirements and amending the 2006/07 Budget to appropriate funds. ***Pulled for further discussion.***
11. Continue to the Council Meeting of January 8, 2007 - Ordinance amending Title 9, Chapter 9.52, Solicitation, Section 9.52.030 to restrict solicitation at entrances and exits to business establishments located along heavily traveled roadways. First Reading and Introduction.

MOTION: Approve Consent Calendar Items 1 - 4, 6 - 8 and 11 as recommended by staff.  
MOVED: Moved by Phipps/seconded by Ochoa  
VOTE: Motion passed unanimously. (5/0)

#### ITEMS PULLED FROM THE CONSENT CALENDAR

5. **Resolution No. 2006-220** approving the boundary map and declaring the intention to establish Community Facilities District No. 3 (Public Services) and to levy a special tax to finance certain public services in and for such community facilities district.

Mayor Cannella requested the names of the developers for the project to ensure that he did not have a conflict with the project.

Tom Westbrook, Sr. Planner, stated that there are two projects. The applicant for one project is Victor Burton. The applicant for the other project is the local homeowner.

Mayor Cannella stated that he did not have a conflict with the item.

MOTION: Approve **Resolution No. 2006-220** approving the boundary map and declaring the intention to establish Community Facilities District No. 3 (Public Services) and to levy a special tax to finance certain public services in and for such community facilities district.

MOVED: Moved by Phipps/seconded by Vierra

VOTE: Motion passed unanimously. (5/0)

9. **Resolution No. 2006-224** approving the purchase of Wellhead Treatment Equipment from Mobile Process Technology of Memphis, Tennessee.

Councilmember Vierra asked if the City would lease or own the wellhead treatment equipment and given the fact that the City is moving towards the use of surface water in a few years, was there a cheaper solution.

Steve Wilson, Director of Municipal Utilities, responded that the City will own the equipment. The option to lease the equipment was not considered since the driving factor in this project was to get the well running as quickly as possible.

Brad Kilger, City Manager, commented that Blaker Well is crucial to addressing the water pressure issues we had this year and his directive was to find a solution that would get the well up and running as quickly as possible. He further stated that given the well's close proximity to the reservoir, he feels that this is one of the wells that will remain in operation since the surface water project will only provide 50% of the City's future capacity requirements.

Joe Hollstein, City Engineer, commented that when the City was looking at Uranium treatment for the wells earlier this year, they did look at leasing vs. purchasing and found that over a 5-year period it was cheaper to purchase the equipment than to lease it.

MOTION: Approve **Resolution No. 2006-224** approving the purchase of Wellhead Treatment Equipment from Mobile Process Technology of Memphis, Tennessee.

MOVED: Moved by Vierra/seconded by Phipps

VOTE: Motion passed unanimously. **(5/0)**

10. **Resolution No. 2006-225** approving the 5-year Capital Improvement Program, accepting the Planning Commission's finding of conformity with the General Plan, certifying certain projects as exempt from the California Environmental Quality Act Requirements and amending the 2006/07 Budget to appropriate funds.

Mayor Cannella wanted to acknowledge the hard work of staff to complete the \$91.5 million dollar 5-year CIP. He stated that this is a big step forward for our community and it will allow Ceres to grow in fashion that will benefit all the citizens of our community.

Brad Kilger, City Manager, thanked staff for their hard work in completing the CIP. He further stated that there are a great number of projects on the list and Council and Staff will need to meet to prioritize some of the projects on the CIP.

Mayor Cannella concurred.

MOTION: Approve **Resolution No. 2006-225** approving the 5-year Capital Improvement Program, accepting the Planning Commission's finding of conformity with the General Plan, certifying certain projects as exempt from the California Environmental Quality Act Requirements and amending the 2006/07 Budget to appropriate funds.

MOVED: Moved by Lane/seconded by Phipps

VOTE: Motion passed unanimously. **(5/0)**

## **NEW BUSINESS**

12. Approval of the Basic Financial Statements and Independent Auditors' Reports.

Nasi Raissian, CAP, representing Caporicci and Larson, auditors for the City of Ceres, addressed Council regarding the annual audit report. Ms. Raissian stated that an unqualified opinion has been given by the auditors to the City. The unqualified opinion is the highest or best opinion that an auditor can give. She further stated that the ratio of Fund Balance compared to operating expenses is very healthy 44%, well above the Government Finance Officers Association (GFOA) recommendation of 5 – 25%. The auditors made the following recommendations:

- Staffing in the Finance Department be increased to allow for a greater segregation of duties.
- City adopt Fraud Policies and Procedures
- All Planning Commissioners be in Conflict of Interest Compliance with regard to the filing of their Statement of Economic Interest (Form 700).

Brad Kilger, City Manager, responded that the all Planning Commissioners are now in compliance with their filing requirements for the Statement of Economic Interest.

MOTION: Approve the Basic Financial Statements and Independent Auditors' Reports.

MOVED: Moved by Phipps/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

7:30 p.m. Mayor Cannella adjourned to the Ceres Redevelopment Agency.

7:32 p.m. Mayor Cannella reconvened the meeting of the Ceres City Council.

13. **Resolution No. 2006 – 126** approving and adopting a Fiscal Year 2006/07 budget amendment to appropriate funds for interim communication plan expenditures.

Betina McCoy, Assistant to the City Manager/PIO, explained that per Council direction staff has begun to develop a formal communication plan. One of the initial components of that plan is to develop an employee and a citizen newsletter. Ms. McCoy presented Council with various distribution options as well as additional resources needed to begin publication of the newsletters.

After some discussion, Council directed staff to move forward with the employee and citizen newsletter; distribute the citizen newsletter as an insert in the utility bill and purchase a digital camera for use in the development of both newsletters.

MOTION: Approve **Resolution No. 2006-126** approving and adopting a Fiscal Year 2006/07 budget amendment in the amount of \$5,525.00 to appropriate funds for interim communication plan expenditures

MOVED: Moved by Phipps/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

## REPORTS

Councilmembers and City Staff reported on various recent activities including the opening of Christmas Tree Lane and the Berryhill Elementary School Opening celebration.

Mayor Cannella reminded everyone that this would be the last meeting of 2006 and wished everyone a happy holidays.

Mayor Cannella reviewed the Council and Staff strategic for FY 2006/07 as outlined at the City Council Study Session in February, 2006 as follows:

1. Initiate/complete Update our Community Facility District Fees so new development pays the real costs for city services and infrastructure
2. Update EPS Report, revise impact fees
3. Develop annexation program
4. Conduct organizational evaluation
5. Implement economic development strategy

6. Implement proactive code enforcement program
7. Finalize plans for Community Center
8. Implement Public Outreach program to communicate Council vision and priorities.

Of these eight goals, six have been completed and two are well on their way to completion. Mayor Cannella thanked the City Manager and staff for their diligence and hard work towards accomplishing our goals.

Brad Kilger, City Manager also commended staff for all their hard work in implementing our strategic plan. Mr. Kilger recognized Sheila Cumberland, Director of Administrative Services, on her last Council Meeting with the City of Ceres and wished her luck in her new endeavors with the City of Turlock.

7:54 p.m. Mayor Cannella adjourned to Closed Session.

**CLOSED SESSION**

**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.*

8:45 Mayor Cannella adjourned Closed Session with nothing to report.

There being no other business, Mayor Cannella adjourned the meeting at 8:46 to the next regularly scheduled Council meeting on January 8, 2007, at 7:00p.m. in the Ceres City Council Chambers, 2210 Magnolia Street.



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Anthony Cannella, Mayor

ATTEST:



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Cindy Heldorn, CMC, Deputy City Clerk