

**CITY COUNCIL
REGULAR MEETING MINUTES**

January 22, 2007

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 Pyke Robinson, Valley Christian Center. Pastor Robinson thanked Mayor Cannella for his support of their 80th anniversary celebration.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Report by the Ceres Youth Commission.

Orhi Amino, President of the Ceres Youth Commission, gave a brief report on the activities of the Youth Commission including the annual Christmas Festival and letters from Santa and the upcoming Scavenger Hunt on April 7, 2007.

B. Update on the Service/Mitchell Interchange Project.

Chris Mitzger, representing Nolte, provided Council with an update of the engineering and environmental progress and the current schedule of the Service/Mitchell Interchange Project.

Mayor Cannella commented that there have been significant delays by Caltrans that may result in a change order, he then asked Mr. Mitzger if Nolte has made all their deadlines on the project.

Mr. Mitzger commented that they have not met their deadlines on every item but have consistently concentrated on the critical path items and have made up for the delays in other areas. Nolte is making the necessary adjustments, including the addition of staff, to assure they continue to stay on schedule.

Mayor Cannella asked Joe Hollstein, City Engineer, if he was satisfied with Nolte's performance.

Mr. Hollstein stated that Nolte has improved. They are working very hard to insure that they are meeting their deadlines and he feels that at this point the project will be on schedule.

Brad Kilger, City Manager, commented that Nolte has definitely improved but they need to improve more. Mr. Kilger further commented that the City has reached a point with Caltrans that we need to become strategically aggressive at both a district and state level or we will not meet the deadline. Not only are we competing with existing projects but also the new projects which are going to be coming in as a result of the State bond money. Caltrans will be looking at the projects that are ready to construct and have funding. Staff is putting together a "project team" to include staff, Nolte and others, who have connections and experience at the State level, to help with the project. Hopefully in the next 30 days, staff will have more information for Council.

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

- Leonard Shepherd, Ceres Citizen, addressed Council regarding a Public Safety Revenue Measure the City is considering placing on an upcoming ballot. Mr. Shepherd is concerned that the Lew Edwards Group, who conducted the random telephone survey, did not poll enough people to get a realistic sampling of the citizenry. He further stated that he would support the revenue measure as long as it is to support Police and Fire, for equipment and personnel and not be used for anything else.

Mr. Brad Kilger, City Manager, responded that only a small percentage of the total population of Ceres actually votes. The company did the survey based on the number of registered voters who were most likely to vote. Based on our demographics and voter population, the Consultants and the City feel that 400 is an accurate representation.

- Terri Tillman, representing the Ceres Chamber of Commerce, thanked Council and staff for their attendance at the Chamber Annual Awards Banquet. She highlighted the Chamber's upcoming projects including an upcoming Disaster Recovery Program.
- Doug Hemmingway, Ceres resident, addressed Council over his concerns with crime and traffic in and around Smyrna Park. He is concerned with the illegal activity taking place in the park at night and cars that speed down Rose Avenue. He suggested speed bumps to slow people down to slow people down.

Mayor Cannella responded that the City will be installing gates at Smyrna park so that parking lot will be locked at night.

Joe Hollstein, City Engineer, commented that the City has done tests on both Rose and Fowler and the traffic has not been significant enough to warrant the installation of speed bumps. He further commented that installing stops signs, does not seem to help, people just run them. Mr. Hollstein felt that increased enforcement might be an effective alternative.

Chief de Werk requested Mr. Hemmingway's name and phone number so he could follow up with him after the meeting. Public Safety will work with Public Works to discuss moving a speed reader sign to Rose Avenue and installing counters on the roads.

7:36 p.m. Mayor Cannella adjourned the City Council Meeting to the Ceres Redevelopment Agency Meeting.

7:48 p.m. Mayor Canella reconvened the City Council Meeting.

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 Lane/seconded by Ochoa
- VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION- Mayor Cannella declared a conflict with Item No. 11.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Division Monthly report for November and December, 2006.
 - b. Municipal Utilities Monthly Report for December, 2006. **Pulled for further discussion.**
 - c. Mitchell/Service Interchange Quarterly Report December, 2006.
2. Register of Audited Demands for the period covering December 15, 2006 thru January 12, 2007.
3. Council approval of Mayoral appointment of Laurie Smith to the Ceres Planning Commission. **Pulled for further discussion.**
4. **Resolution No. 2007-11** stating its intent and ordering the annexation of the Hiram Kemp Parcel Map to the Landscape and Lighting District.
5. **Resolution No. 2007-12** awarding the Richard Way Improvement Project and amending the FY 2006/07 Budget to appropriate funds.
6. **Resolution No. 2007-13** awarding a contract to Al's Certified Safe and Lock for Supplying and Installing a Security System for the Whitmore House and Museum and amending the FY 2006/07 Budget to appropriate funds. **Pulled for further discussion.**
7. **Resolution No. 2007-14** approving additional work and compensation for C3 Design Alliance for bid and construction assistance for Fire Station 4.
8. **Resolution No. 2007-15** authorizing deposit and withdrawal in the State Local Agency Investment Fund (LAIF) by designated officials of the City of Ceres.
9. **Resolution No. 2007-16** approving Agreement No. 2 with the City of Turlock for the purchase of an addition 1.0 million gallons per day of sewer disposal capacity.
10. **Resolution No. 2007-17** approving Contract Change Order No. 4 for the Blaker Reservoir Project.
11. **Resolution No. 2007-18** awarding the Fire Station No. 4 Project. **Pulled – Mayor Cannella has conflict.**
12. **Resolution No. 2007-19** authorizing the application to the Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) 2007 Grant.
13. **Resolution No. 2007-20** authorizing the City Manager to extend the contract with Lew Edwards Group to provide additional consultant services and amending the FY 2006/07 Budget to appropriate funds.
14. **Resolution No. 2007- 21** approving an addendum to the Employment Agreement with the City Attorney, adding additional hours.

MOTION: Approve Consent Calendar Items 1a, 1c, 2, 4-5, 7, 8, 10, and 12-14 as recommended by staff.

MOVED: Moved by Vierra/seconded by Lane

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

ITEMS PULLED FROM THE CONSENT CALENDAR

1. General Correspondence – Information Only

b. Municipal Utilities Monthly Report for December, 2006.

Councilmember Phipps asked a question regarding the number of water wasting notices issued during the month of December. Based on what he sees around the City, he felt the number was low.

Staff responded that we only have enforcement officers in the field during the summer months. During the winter, we are complaint driven and then staff has to see the violation taking place before the notice can be issued.

MOTION: Approve Municipal Utilities Monthly Report for December, 2006.

MOVED: Moved by Phipps/seconded by Lane

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

3. Council approval of Mayoral appointment of Laurie Smith to the Ceres Planning Commission.

Mayor Cannella asked Ms. Smith to come forward and tell the Council a little about herself.

Ms. Smith gave a brief biography and expressed to Council that she was honored and looking forward to her new role as Planning Commissioner.

MOTION: Approve Mayoral appointment of Laurie Smith to the Ceres Planning Commission.

MOVED: Moved by Lane/seconded by Ochoa

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

6. Resolution No. 2007-13 awarding a contract to AI's Certified Safe and Lock for Supplying and Installing a Security System for the Whitmore House and Museum and amending the FY 2006/07 Budget to appropriate funds.

Councilmember Phipps asked if AI's Certified would also be monitoring the security system at the Whitmore House and Museum.

Joe Hollstein, City Engineer confirmed that AI's Certified Safe and Lock would be monitoring the system with the cost added to the package they already provide to the City. The Whitmore House should be able to generate enough revenue in the next 1 – 2 years to start paying for the monitoring.

Brad Kilger, City Manager, concurred with Mr. Holstein.

MOTION: **Resolution No. 2007-13** awarding a contract to AI's Certified Safe and Lock for Supplying and Installing a Security System for the Whitmore House and Museum and amending the FY 2006/07 Budget to appropriate funds.

MOVED: Moved by Phipps/seconded by Ochoa

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

11. Resolution No. 2007-18 awarding the Fire Station No. 4 Project.

MOTION: **Resolution No. 2007-18** awarding the Fire Station No. 4 Project.

MOVED: Moved by Lane/seconded by Ochoa

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

OLD BUSINESS

15. Ordinance No. 2007- 969 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. **Second Reading and Adoption.**

City Attorney, Mike Lyons, introduced the item stating that Ordinance No. 2007-969 was presented to Council at the meeting of January 8, 2007 for introduction and first reading. Council had no questions regarding the Ordinance.

MOTION: Waive full reading and have **Ordinance No. 2007-969** read by title and number only.

MOVED: Moved by Phipps/seconded by Lane

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

Mayor Cannella directed the City Clerk to read Ordinance 2007-969 by number and title only.

MOTION: Adopt **Ordinance No. 2007-969** 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.

MOVED: Moved by Phipps/seconded by Lane

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

NEW BUSINESS

16. Approving boundary map and declaring its intention to establish the City of Ceres Community Facilities District No. 3 (Public Services) to levy a special tax therein to finance certain public services in and for such community facilities district.

Resolution No. 2007-_____ Formation of City of Ceres Community Facilities District No. 3 (Public Services), Authorizing the Levy of a Special Tax within the District and Preliminarily Establishing an Appropriations Limit for the District.

Resolution No. 2007-_____ Calling a Special Election Within City of Ceres Community Facilities District No. 3 (Public Services).

Resolution No. 2007- _____ Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien.

Ordinance No. 2007- _____ Levying Special Taxes within the City of Ceres Community Facilities District No. 3 (Public Services).

Nancy Brown, Housing Coordinator, gave a brief overview of the item stating that on December 11, 2006, the City Council passed Resolution No. 2006-220, a resolution of intention to establish Community Facilities District No. 3, and setting the public hearing for this date to take the steps necessary to establish CFD No. 3.

The Community Facilities District levies an annual fee per unit to be used to support police, fire and park maintenance operations. The City currently has two Community Facilities Districts. CFD No. 1, reserved for new infill projects of four or fewer single family residential units, has a fee of \$214.55 per unit and CFD No. 2 with a fee of \$636.05 per unit for non-infill units.

At the request of Council, EPS recently conducted a study dated October 30, 2006, evaluating the fiscal impacts of future development within the current city limits and sphere of influence on the costs of providing services to the new development. The study identified that the true cost of providing services to residential property within the City is \$700 per dwelling unit. Subsequently, the City decided that a new CFD would be established and that all new non-infill residential development would be in a new Community Facilities District No. 3, at a rate of \$700.00 for current fiscal year with a 10% contingency to cover unforeseen circumstances, for a maximum tax rate of \$777.78.

Mayor Cannella asked Cindy Heidorn, Deputy City Clerk, if any written protests have been filed.

Ms. Heidorn responded that no protests had been filed.

8:04 p.m. The Public Hearing was opened.

8:05 p.m. There being no one wishing to speak, the public hearing was closed.

Mayor Cannella stated that since no written protests have been filed, the Council may proceed to take action on the three resolutions and one ordinance posted on the agenda.

MOTION: Resolution No. 2007-22 Formation of City of Ceres Community Facilities District No. 3 (Public Services), Authorizing the Levy of a Special Tax within the District and Preliminarily Establishing an Appropriations Limit for the District.

MOVED: Moved by Phipps/seconded by Lane

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

MOTION: Resolution No. 2007-23 Calling a Special Election Within City of Ceres Community Facilities District No. 3 (Public Services).

MOVED: Moved by Phipps/seconded by Lane

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

Cindy Heidorn, Deputy City Clerk announced that the election is closed with 5 votes in favor and none against.

MOTION: **Resolution No. 2007-24** Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien.
 MOVED: Moved by Phipps/seconded by Lane
 VOTE: Motion passed unanimously. (5/0)

MOTION: Waive full reading and have **Ordinance No. 2007-970** read by title and number only.
 MOVED: Moved by Phipps/seconded by Lane
 VOTE: Motion passed unanimously. (5/0)

Mayor Cannella directed the City Clerk to read Ordinance 2007-970 by number and title only.

MOTION: Adopt **Ordinance No. 2007-970** Levying Special Taxes within the City of Ceres Community Facilities District No. 3 (Public Services).
 MOVED: Moved by Phipps/seconded by Lane
 VOTE: Motion passed unanimously. (5/0)

Mayor Cannella stated that Councilmember Vierra had concerns that Item 9 on the Consent Calendar may have been overlooked in the motion to approve the Consent Calendar and asked the Deputy Clerk for clarification.

Cindy Heidorn, Deputy City Clerk, confirmed that Item No. 9 was not read into the motion.

9. **Resolution No. 2007-16** approving Agreement No. 2 with the City of Turlock for the purchase of an additional 1.0 million gallons per day of sewer disposal capacity.

MOTION: **Resolution No. 2007-16** approving Agreement No. 2 with the City of Turlock for the purchase of an additional 1.0 million gallons per day of sewer disposal capacity.
 MOVED: Moved by Vierra/seconded by Phipps
 VOTE: Motion passed unanimously. (5/0)

REPORTS

Councilmembers and City Staff reported on various recent activities including the annual Ceres Chamber of Commerce Awards Banquet and LAFCO.

There being no further business, Mayor Cannella adjourned the City Council Meeting at 8:16 p.m. to the Council Study Session, February 1, 2007 at 5:30 p.m. in the City Council Chambers, 2210 Magnolia St.



 Anthony Cannella, Mayor

ATTEST:



 Cindy Heidorn, CMC, Deputy City Clerk