

**CITY COUNCIL MEETING  
MINUTES**

**Monday, March 26, 2007**

The regular meeting of the City Council was called to order at 7:00 p.m. by Mayor Cannella with the following in attendance:

**ROLL CALL** Council Members Lane, Ochoa, Phipps, Vierra, Mayor Cannella

**INVOCATION** by Pastor Dan Thornton, Harvest Presbyterian Church.

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

**PRESENTATIONS**

A. Presentation to Joe Hollstein for 28 years of service to the City of Ceres.

Mayor Cannella presented Mr. Hollstein with a plaque in honor of his retirement from the City of Ceres.

B. Proclamation declaring April 8–14, 2007, National Telecommunicators Week in the City of Ceres.

Mark Anderson, Ceres Sr. Dispatcher, was the recipient of a proclamation for National Telecommunicators Week.

C. 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 spring scavenger hunt on April 7, 2007 and a May dodge ball tournament.

**CITIZEN COMMUNICATIONS**

Len Shepherd, resident, spoke regarding the ground breaking of Fire Station No. 4 he attended on March 20, 2007. Mr. Shepherd also encouraged the use of solar panels on public facilities.

Burl Condit, resident, complained that the intersection of Hackett/Morgan Road does not have enough traffic to warrant the newly installed stop light. He requested the lights be turned to flashing red until traffic gets heavier at that intersection.

Mr. Hollstein responded that a traffic study was done and the stop light is warranted based on the width of Morgan Road, the speed limit of the road and the pedestrian traffic generated from the nearby school.

Mayor Cannella requested that staff re-examine the traffic study to see if the flashing red light might be warranted until the traffic increases at that intersection.

Mr. Condit further inquired about the City's trenching policy. He has noticed that whenever a street is trenched and refilled, it does not maintain its original quality.

Joe Hollstein, City Engineer, responded that the City does have a trenching policy. We require a one-year warranty from the contractor so that if the pavement sinks and creates a hole or doesn't sink and creates a speed bump the contractor fixes it at his expense.

Mayor Cannella commented that the City was discussing various options for street trenching including a moratorium which prohibits trenching on new streets for a set number of years.

Jim Bergamaschi, resident, thanked Joe Hollstein for being an active part of the Historical Society and being instrumental in the creation of their new museum.

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

MOTION: Approve the agenda 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** Councilmember Lane declared a conflict with Item 8, stating that his employer bid on a portion of the project. Mayor Cannella declared a conflict with Item 9, stating that his firm does work for USA Homes.

### **CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Municipal Utilities Dept. Monthly Report for February 2007.
  - b. Parks, Recreation & Facilities Dept. Monthly Report for January, 2007.
  - c. Public Works Dept. Monthly Report for February, 2007.
  - d. 2007 1<sup>st</sup> Qtr. Status Report of Stanislaus County Contract Services for the City of Ceres Building Division.
  - e. 2007 1<sup>st</sup> Qtr. Building Division Status Report.
  - f. Nolte's Monthly Report for Mitchell/Service/SR99 for January and February 2007.
2. Register of Audited Demands for period covering February 23 – March 2, 2007.
3. Open the public review period for the FY 2007/08 Community Development Block Grant (CDBG) Consolidated Plan FY 2007-2012 and Annual Action Plan FY 2007/08 and set a Public Hearing date of May 14, 2007 to close the public review period.
4. **Resolution No. 2007-60** approving the City of Ceres Communication Plan.
5. **Resolution No. 2007-61** approving additional assistance to the Ceres Senior Citizens, Inc. to partially off-set rental increases for their use of the Tuolumne River Lodge.
6. **Resolution No. 2007-62** accepting the Hatch Road Storm Drain Basin Discharge Pipe Project as complete, approve the Balancing Contract Change Order and authorize the filing of the Notice of Completion.

7. **Resolution No. 2007-63** approving the claim of the City of Ceres to the Stanislaus Council of Governments (StanCOG) of non-transit funds and authorizing the Public Works Manager to sign and submit said claim on behalf of the City of Ceres and amending the FY 2006/07 Budget to appropriate funds.
8. **Resolution No. 2007-64** authorizing the City Manager to sign a three-year agreement with C.A. Reding Company for a Lanier printing machine and amending the FY 2006/07 Budget to appropriate funds. ***Pulled for conflict of interest.***
9. **Resolution No. 2007-65** accepting the Street Improvement Agreement with American-USA Homes, LLC, as security for the postponement of required sidewalks, gutters, curbs and matching pavement. ***Pulled for conflict of interest.***
10. **Resolution No. 2007-66** approving a contract with Ralph Andersen & Associates for recruitment services for the positions of City Engineer and Operations and Maintenance Director.
11. **Resolution No. 2007-67** authorizing the installation of "No Parking from 11:00 p.m. to 5:00 a.m." Signs on the streets adjacent to Smyrna Park. ***Pulled by Len Shepherd, resident, for further discussion.***
12. **Resolution No. 2007-68** setting penalty assessments for water wasting to achieve consistency with amendments to the water wasting ordinance. ***Pulled for further discussion.***
13. **Resolution No. 2007-69** approving the request from the Housing Authority of the County of Stanislaus to allocate \$300,000 in City Home Funds towards the rehabilitation of 54 Units at the Ceres Farm Labor Center.

MOTION: Approve Consent Calendar Items No. 1a-1e, 2-7, 10 & 13 as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

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

#### **ITEMS PULLED FROM CONSENT CALENDAR**

8. **Resolution No. 2007-64** authorizing the City Manager to sign a three-year agreement with C.A. Reding Company for a Lanier printing machine and amending the FY 2006/07 Budget to appropriate funds.

MOTION: Approve **Resolution No. 2007-64** authorizing the City Manager to sign a three-year agreement with C.A. Reding Company for a Lanier printing machine and amending the FY 2006/07 Budget to appropriate funds as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

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

9. **Resolution No. 2007-65** accepting the Street Improvement Agreement with American-USA Homes, LLC, as security for the postponement of required sidewalks, gutters, curbs and matching pavement.

MOTION: Approve **Resolution No. 2007-65** a accepting the Street Improvement Agreement with American-USA Homes, LLC, as security for the postponement of required sidewalks, gutters, curbs and matching pavement as recommended by staff.

MOVED: Moved by Vierra/seconded by Lane

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

10. **Resolution No. 2007-67** authorizing the installation of "No Parking from 11:00 p.m. to 5:00 a.m." Signs on the streets adjacent to Smyrna Park.

Len Shepherd, resident, asked what effect the "no parking" signs would have on the residents who lived across from Smyrna Park.

Mayor Canella responded that it would not effect those living across from Smyrna Park it only effects the streets adjacent to the park.

MOTION: Approve **Resolution No. 2007-67** authorizing the installation of "No Parking from 11:00 p.m. to 5:00 a.m." signs on the streets adjacent to Smyrna Park as recommended by staff.

MOVED: Moved by Phipps/seconded by Lane

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

11. **Resolution No. 2007-68** setting penalty assessments for water wasting to achieve consistency with amendments to the water wasting ordinance.

Mayor Cannella discussed the possible implementation of a multi-tiered water wasting policy that carries a greater penalty when the temperatures are extreme and lesser penalties when the weather is cooler.

Brad Kilger, City Manager, responded that Council and staff could discuss the various options during a study session or staff could draft a revised ordinance and bring it back at a future Council meeting.

*After further discussion, Council directed staff to include a discussion on penalty assessments for water wasting on the April 19, 2007 Study Session Agenda.*

MOTION: Approve **Resolution No. 2007-68** setting penalty assessments for water wasting to achieve consistency with amendments to the water wasting ordinance.

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 Fire Station No. 4 Groundbreaking Ceremony, Law and Order Night and the Annual Employee Awards Banquet. Councilmember Phipps thanked everyone who attended the annual hospice event he held on March 23, he reported that \$28,500 was raised for hospice.

Upcoming events included the opening day of Ceres Youth Baseball and the River Bluff Regional Park concession stand ribbon cutting both being held on March 31, 2007.

Joe Hollstein, City Engineer, commented that this meeting is his last "official" City Council meeting but he looks forward to attending many more in the future as a resident of the community.

7:44 p.m. – The meeting convened to Closed Session.

**CLOSED SESSION**

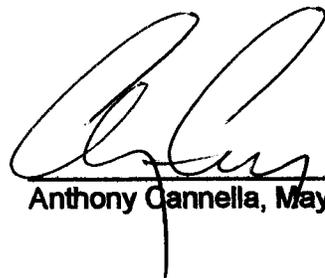
**CONFERENCE WITH LABOR NEGOTIATORS**

City Negotiator: Kenneth Caves

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

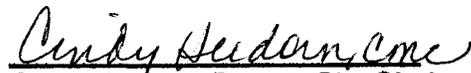
8:45 p.m. – The meeting reconvened in open session with nothing to report.

There being no further business, Mayor Cannella adjourned the City Council meeting at 8:46 p.m. to the Annual Strategic Planning Session to be held on April 5, 2007 at 8:00 a.m. in the City Council Chambers located at 2210 Magnolia Street.



Anthony Cannella, Mayor

**ATTEST:**



Cindy Heidorn, Deputy City Clerk