

**CITY COUNCIL MEETING MINUTES
REGULAR MEETING OF THE CITY COUNCIL**

May 29, 2007

The regular meeting 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 Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Report by the Ceres Youth Commission.

Aadarsh Brar, Vice President of the Ceres Youth Commission, spoke about their recent activities including the Whitmore Park clean-up day in April and the Youth Commission booth at the annual Street Faire. Upcoming events include a Cultural Appreciation event in October and a dodge ball tournament.

B. Proclamation proclaiming June 9, 2007 Howard K. Stevenson Day in the City of Ceres.

Mayor Cannella read the proclamation and staff played a memorial video in Honor of Sergeant Stevenson.

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda.

- Robert Stanford, Modesto resident, apologized to the City Council and Chief de Werk for his actions two years ago after the shooting of Sergeant Howard Stevenson and Sergeant Sam Ryno.
- Len Shepherd, resident, expressed appreciation for the Howard Stevenson Memorial at the Ceres River Bluff Regional Park and thanked staff for the memorial video.
- Brandy Nowaya, resident, spoke regarding a warning she received from Code Enforcement regarding her pigeons. The warning stemmed from a complaint by one of her neighbors. Ms. Nowaya stated that she is a member of the National Pigeon Association and has all her birds caged. She has raised pigeons for 15 years and did not realize she was in violation of a City Ordinance. She asked Council to consider amending the Zoning Ordinance to allow her to keep her pigeons.
- Mr. John Nowaya, resident, concurred with his wife and requested that Council consider amending the Zoning Ordinance pertaining to pigeons.

After some discussion, Council stated that they would like to have more information on the pros and cons of a possible amendment to the Zoning Ordinance and directed staff to schedule the item for a future Study Session. Council further directed staff to put a temporary stay on enforcement of violations of this matter until the item can be studied. (July or August, 2007),

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

MOTION: Approve the agenda as posted (or amended) and certification of posting.
Moved: Moved by Lane/seconded by Phipps
VOTE: Motion passed unanimously. (5/0)

CONFLICT OF INTEREST DECLARATION - None

CONSENT CALENDAR

1. **General Correspondence – Information Only**
 - a. Parks, Recreation & Facilities Monthly Report for March, 2007.
 - b. Municipal Utilities Monthly Report for April, 2007.
 - c. Public Works Division Monthly Report for March and April 2007.
 - d. Developer Fee Report for FY 2005/06. *Pulled for further discussion.*
2. Register of Audited Demands for period covering May 11 – May 18, 2007.
3. **Resolution No. 2007-102** authorizing the City Manager to sign an agreement with InfoSend to print and mail the monthly utility bills.
4. **Resolution No. 2007-103** authorizing the destruction of certain personnel records.
5. **Resolution No. 2007-104** approving a proposal with Management Partners to conduct an assessment of the City organizations.
6. **Resolution No. 2007-105** setting Terms and Conditions of Employment for the members of the Ceres Department of Public Safety Firefighters' Association Local 3636. *Pulled for further discussion.*
7. **Resolution No. 2007-106** repealing Resolution No. 93-21 and establishing the Order and Conduct of Business at City Council Meetings and setting certain Rules of Procedures.
8. Council approval of Mayoral Appointment of Councilmember Rob Phipps to serve as Alternate on the Mobile Home Park Ad-Hoc Committee.
9. **Resolution No. 2007-107** approving an amendment to the FY 2006/07 Budget to reflect additional expenditures for the HOME first-time homebuyer program.

MOTION: Approve Consent Calendar Items 1a-1c, 2-5 and 7-9 as recommended by staff.
Moved: Moved by Vierra/seconded by Ochoa
VOTE: Motion passed unanimously. (5/0)

ITEMS PULLED FROM THE CONSENT CALENDAR

- 1d. Developer Fee Report for FY 2005/06.

Council expressed concerns that some of the funds show deficiencies and directed staff to schedule a study session to examine each fund, identify deficiencies and discuss ways to pay the deficiencies down.

6. **Resolution No. 2007-105** setting Terms and Conditions of Employment for the members of the Ceres Department of Public Safety Firefighters' Association Local 3626.

Mayor Cannella thanked the members of the Department of Public Safety Firefighter's Association for their hard work and efforts in coming to an agreement.

MOTION: Approve items 1d and 6 as recommended by staff.

MOVED: Moved by Vierra/seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

UNFINISHED BUSINESS

10. Water Model final technical report completed by West Yost.

Gerry Nakano, representing West Yost presented an overview to Council of the Water Model Technical Report.

Council had questions regarding the percentage of improvements that are caused by new growth versus the percentage of improvements necessary for existing customers.

Joe Hollstein, Consultant, commented that the purpose of this study was not to determine what portion of the improvements could be attributed to new growth but rather to determine what improvement would be necessary for the City's water system to meet projected near term demands and General Plan demands at 100% build out.

Mr. Hollstein further stated that we are in the process of updating our Public Facility Fees which will show the percentage of cost attributable to new development versus existing development. The report will be available in four to five months.

Council asked Mr. Nakano if, in his opinion, the City was purchasing enough water from TID.

Mr. Nakano responded that ground water quality is questionable. If the City has the opportunity to purchase surface water, in his opinion, we should purchase as much as we can.

Council asked Mr. Nakano what the cost would be for the piping only.

Mr. Nakano responded that the piping costs would be \$10 million.

Having no further questions, Council thanked Mr. Nakano for his time. Since the report was informational, no Council action was necessary.

8:30 p.m. – Mayor Cannella recessed for a short break

8:37 p.m. – Mayor Cannella reconvened the City Council Meeting.

NEW BUSINESS

11. **Ordinance No. 2007-973** amending Title 9 of the Ceres Municipal Code to prohibit underage drinking and assess liability for those who knowingly host gatherings where minors consume alcohol, first reading and introduction.

Mike Lyons, City Attorney, introduced the item to Council stating that the purposes of this ordinance are:

- To protect public health, safety and general welfare;
- To enforce laws prohibiting the service to and consumption of alcoholic beverages by underage persons; and
- To reduce the cost of providing police, fire and other emergency response services to underage drinking parties, by imposing a civil fee against social hosts and landlords allowing for the recovery costs associated with providing law enforcement, fire and other emergency response services to underage drinking parties including those where alcoholic beverages are served to or consumed by underage persons.

Mr. Lyons further stated that if an Underage Drinking/Social Host Liability Ordinance were adopted, persons held responsible for abetting or tolerating underage drinking parties will be more likely to properly supervise or stop conduct at gatherings held on property under their possession or controls. In addition, the revenue received by the City of Ceres after cost reimbursement will be directed toward alcohol abuse and prevention education programs in the community.

After some discussion, Council took the following action:

MOTION: Waive full reading and have **Ordinance No. 2007-973** read by title and number only.

MOVED: Moved by Vierra/seconded by Phipps

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

Mayor Cannella directed the City Clerk to read **Ordinance 2007-973** by number and title only.

MOTION: Approve **Ordinance No. 2007-973** amending Title 9 of the Ceres Municipal Code to prohibit underage drinking and assess liability for those who knowingly host gatherings where minors consume alcohol.

MOVED: Moved by Vierra/seconded by Phipps

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

12. Council recommendation for replacement of a representative for the Hazardous Waste Management Advisory Committee.

Joe Hollstein, Consultant, stated that his recent retirement has left a vacancy on the Hazardous Waste Management Advisory Committee. The appointments to the board are done through a Council nomination sent to the City Selection Committee for final appointment. The Board Member can be either an elected official or a staff person. Mr. Hollstein further commented that if a Council member did not wish to serve on the committee, Kay Dunkel, Administrative Program Analyst, has been serving as Mr. Hollstein's alternate on the committee for several years.

After some discussion, Council took the following action:

MOTION: Nominate Kay Dunkel to represent the City of Ceres on the Hazardous Waste Management Advisory Committee.

MOVED: Moved by Lane/seconded by Phipps

VOTE: Motion passed unanimously. (5/0)

13. Resolution No. 2007-108 amending the 2006/07 Budget to appropriate funds for the repair of Smyrna Well, declaring an exception to the City's purchasing rules and awarding the repair contract.

Steve Wilson, Municipal Utilities Director, gave a brief overview of the staff report.

Council, having no questions took the following action:

MOTION: Approve Resolution No. 2007-108 amending the FY 2006/07 Budget to appropriate funds for the repair of Smyrna Well, declaring an exception to the City's purchasing rules and awarding the repair contract.

MOVED: Moved by Phipps/seconded by Ochoa

VOTE: Motion passed unanimously. (5/0)

9:14 p.m. Mayor Cannella adjourned to the Ceres Redevelopment Agency Meeting.

9:17 p.m. Mayor Cannella reconvened the City Council Meeting.

REPORTS

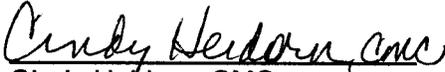
Councilmembers and City Staff reported on various recent meetings they attended including LAFCO, the Alliance and the Mobile Home Park Ad-Hoc Committee. They also reported on the Agribusiness Luncheon and recent police activities.

There being no further business, Mayor Cannella adjourned the meeting at 9:23 p.m. to the Special City Council meeting with Congressman Dennis Cardoza on May 30, 2007 at 6:00 p.m. in the City Council Chambers.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, CMC
Deputy City Clerk