

**CERES CITY COUNCIL  
REGULAR MEETING MINUTES**

**June 25, 2007**

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

**PRESENT:** Council Members Lane, Ochoa, Phipps, Mayor Cannella

**EXCUSED:** Councilmember Vierra

**INVOCATION** by Pastor Dave Broyles, Ceres Christian Church.

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

**APPROVAL OF THE MINUTES** of the Study Session of May 17, 2007.

**MOTION:** Approve the minutes of the Study Session of May 17, 2007.

**MOVED:** Moved by Phipps/seconded by Lane

**VOTE:** Motion passed with Councilmember Vierra absent. **(4/0)**

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

- A. Len Shepherd, resident, requested a moment of silence for the nine firefighters in Charleston, South Carolina, who perished in the line of duty.
- B. Robert Stanford, spoke in support of the Social Host Ordinance which is scheduled for second reading and adoption on July 9, 2007.
- C. Steve Breckenridge, resident, submitted a letter of request to the City Clerk and thanked Council for the water quality letter which was recently sent to residents.

**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 Phipps/seconded by Lane

**VOTE:** Motion passed with Councilmember Vierra absent. **(4/0)**

**APPOINTMENTS TO BOARDS/COMMISSIONS - None**

**CONFLICT OF INTEREST DECLARATION** – Mayor Cannella declared a conflict with Item No. 13 stating that Pacific Union Homes has been a client of his firm within the last 12 months.

**CONSENT CALENDAR**

- 1. Register of Audited Demands for period covering June 5, 2007 through June 15, 2007.
- 2. **Resolution No. 2007-118** supporting the \$1 Billion State Budget Allocation of Proposition 1B Funds to Cities in Fiscal Year 2007/08.

3. **Resolution No. 2007-119** calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 6, 2007, for the election of certain officers as required by the provisions of the laws of the State of California to General Law Cities.
4. Council authorization to advertise for a Planning Commission vacancy.
5. **Resolution No. 2007-120** authorization to apply for and accept a 2007 Bureau of Justice Assistance - Justice Assistance Grant.
6. **Resolution No. 2007-121** authorizing an agreement for the continuation of a School Resource Officer MOU with Ceres Unified School District for school resource officers to provide law enforcement services to the School District.
7. Set public hearing date of July 9, 2007 to consider the appeal of a Planning Commission decision to deny a Conditional Use Permit Amendment 04-36, a proposal to modify elevation treatment for buildings within a previously approved business center, located in the 1300 block of Mitchell Road. Applicant is Ceres Commerce Center, LLC.
8. **Resolution No. 2007-122** stating its intent and ordering annexation of the Sequeria Parcel Maps to the Landscape and Lighting District.
9. **Resolution No. 2007-123** stating its intent and ordering annexation of the Morad Parcel Map to the Landscape and Lighting District.
10. **Resolution No. 2007-124** approving an Agreement for Professional Consultant Services with Pacific Municipal Consultants (PMC) to perform Professional Planning Services relating to the California Environmental Quality Act (CEQA) analysis and compliance for the proposed Mitchell Ranch Center.
11. **Resolution No. 2007-125** approving a contract with Guiliani and Kull, Inc. to Provide Design Engineering and Survey Services for the Whitmore Overpass Water and Sewer Utility Relocations and amending the FY 2006/07 Budget to appropriate funds. **Pulled for further discussion.**
12. **Resolution No. 2007-126** approving a contract with Guiliani and Kull, Inc. to provide Design Engineering and Survey Services for the Morgan Road Storm Drain Project. **Pulled for further discussion.**
13. **Resolution No. 2007-127** approving an Agreement for Professional Consultant Services with Pacific Municipal Consultants (PMC) to perform Professional Planning Services relating to the City of Ceres Municipal Services Review, Sphere of Influence (SOI) Plan and Modification Application and California Environmental Quality Act (CEQA) analysis and compliance. **Pulled for Conflict – Mayor Cannella.**
14. **Resolution No. 2007-128** approving an agreement with the Housing Authority of Stanislaus County for the administration of a Minor Home Repair Program through the HOME Consortium.

15. **Resolution No. 2007-XXX** approving an agreement with El Rematito Marketplace for the provision of out of boundary water service, dedication of well site property, and development of water well.
16. **Resolution No. 2007-129** approving an agreement for professional Consultant Services with Dowling Associates to perform traffic analysis for a proposed 18-acre commercial project located at the intersection of Crows Landing Road and Service Road, also known as the Plaza Prominente Project.
17. **Resolution No. 2007-130** awarding a contract to Ray's Radio to install a microwave system from Ceres River Bluff Regional Park to the Department of Public Safety.

MOTION: Approve Consent Calendar Items 1 – 10, 14, 16 and 17 as recommended by staff.

MOVED: Moved by Phipps/seconded by Ochoa

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

#### CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

11. **Resolution No. 2007-125** approving a contract with Guiliani and Kull, Inc. to Provide Design Engineering and Survey Services for the Whitmore Overpass Water and Sewer Utility Relocations and amending the FY 2006/07 Budget to appropriate funds.
12. **Resolution No. 2007-126** approving a contract with Guiliani and Kull, Inc. to provide Design Engineering and Survey Services for the Morgan Road Storm Drain Project.

Pulled by Mr. Breckenridge, resident, who mentioned that he had worked with Guiliani and Kull in the past, found them to be in such high demand they had difficulty staying on schedule.

Staff assured Council that there are timelines built into the projects and a function of the project manager is to ensure that the project is progressing in a timely manner.

MOTION: Approve **Resolution No. 2007-125** approving a contract with Guiliani and Kull, Inc. to Provide Design Engineering and Survey Services for the Whitmore Overpass Water and Sewer Utility Relocations and amending the FY 2006/07 Budget to appropriate funds and **Resolution No. 2007-126** approving a contract with Guiliani and Kull, Inc. to provide Design Engineering and Survey Services for the Morgan Road Storm Drain Project.

MOVED: Moved by Phipps/seconded by Lane

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

13. **Resolution No. 2007-127** approving an Agreement for Professional Consultant Services with Pacific Municipal Consultants (PMC) to perform Professional Planning Services relating to the City of Ceres Municipal Services Review, Sphere of Influence (SOI) Plan and Modification Application and California Environmental Quality Act (CEQA) analysis and compliance.

**MOTION: Resolution No. 2007-127** approving an Agreement for Professional Consultant Services with Pacific Municipal Consultants (PMC) to perform Professional Planning Services relating to the City of Ceres Municipal Services Review, Sphere of Influence (SOI) Plan and Modification Application and California Environmental Quality Act (CEQA) analysis and compliance.

**MOVED:** Moved by Lane/seconded by Ochoa

**VOTE:** Motion passed with Mayor Cannella abstaining and Councilmember Vierra absent. (3/0/1)

**15. Resolution No. 2007-XXX** approving an agreement with El Rematito Marketplace for the provision of out of boundary water service, dedication of well site property, and development of water well. *Continued to the meeting of July 9, 2007 per staff request.*

7:25 p.m. Mayor Cannella adjourned to the Redevelopment Agency Meeting.

7:33 p.m. Mayor Cannella reconvened the City Council Meeting.

## **PUBLIC HEARING**

**18. Resolution No. 2007-131** approving a Negative Declaration for an annexation of six parcels that total 23.48+/- acres just east and south of the Southeast Corner of Mitchell and Service Roads and **Resolution No. 2007-132** authorizing the filing of an Annexation Application to Stanislaus County LAFCO to incorporate six parcels that total 23.48 +/- acres east and south of the southeast corner of Mitchell and Service Roads. (Application No. 06-46)

Kenneth Craig, Community Development Director, introduced the item and stated that the annexation involves six parcels that total 23.48+/- acres. The six parcels can be adequately serviced by all existing utilities, sewer, water, police and fire services with out placing a burden on any system or service. The six parcels are also a logical extension of City boundaries and are located in the Phase 1 area of the General Plan. The annexation contains three existing single family homes and three vacant parcels. The entire annexation area has already been pre-zoned to Regional Commercial at the time of the adoption of the Mitchell Road Corridor Specific Plan and will have Regional Commercial zoning upon annexation. When these commercial properties develop, all applicable development fees, sewer and water connections and MRCSP fees will be assessed. Should Council approve the item tonight, staff will file an Annexation Application with LAFCO who will make the final determination of annexation through a separate Public Hearing process. Although not a part of the process this evening, the applicant has indicated a desire to process an application for commercial development in the future should the application be supported by the City and approved by LAFCO.

Mayor Cannella expresses concern that since this was an area that is key to the economic development of the City, he would like to see a Master Plan of the project to show how the entire plan will come together.

7:38 p.m. Mayor Cannella opened the Public Hearing

Max Garcia, GDR Engineering, representing one of the property owners, stated that the annexation is the first step in the development of the area. His client did not want to invest too much into a site plan and development prior to knowing if they would be annexed into the City. But they have started putting a team together and will be working on putting plans together.

Steve Breckenridge, resident, asked clarification on the location of the property.

Tim McCarthy, representing a property owner, reinforced the idea that they want to make this property the southern gateway to the City and comply with the Mitchell Road Corridor Specific Plan.

7:43 p.m. There being no one else wishing to speak, Mayor Cannella closed the Public Hearing.

MOTION: Approve **Resolution No. 2007-131** approving a Negative Declaration for an annexation of six parcels that total 23.48+/- acres just east and south of the Southeast Corner of Mitchell and Services Roads as recommended by staff.

MOVED: Moved by Phipps/seconded by Ochoa

VOTE: Motion passed with Councilmember Vierra absent. **(4/0)**

MOTION: Approve **Resolution No. 2007-132** authorizing the filing of an Annexation Application to Stanislaus County LAFCO to incorporate six parcels that total 23.48+/- acres east and south of the southeast corner of Mitchell and Service Roads. (Application No. 06-46)

MOVED: Moved by Phipps/seconded by Lane

VOTE: Motion passed with Councilmember Vierra absent. **(4/0)**

19. **Resolution No. 2007-133** establishing the annual appropriations for Fiscal 2007/08 and authorizing expenditures for July and August, 2007 and **Resolution No. 2007-134** adopting the Appropriations Limitation for Fiscal Year 2007/08.

Sarah Ragsdale, Administrative Services Director, addressed Council stating that there are a number of budget actions which are incomplete at the time of budget adoption which will have a material impact on the FY 2007/08 Budget for the City. For this reason, we are recommending an interim spending plan for the months of July and August, 2007. Items which need to be completed are 1) Police Officer Association MOU, 2) Employee Classification and Compensation Study, 3) Supplemental Budget Request for FY 2007/08, 4) CIP for FY 2007/08. As these actions are completed and revenue projections further refined, staff will present revisions to the budget for Council review and approval.

7:47 p.m. Mayor Cannella opened the Public Hearing

7:48 p.m. There being no one wishing to speak, Mayor Cannella closed the Public Hearing

MOTION: **Resolution No. 2007-133** establishing the annual appropriations for Fiscal 2007/08 and authorizing expenditures for July and August, 2007 and

MOVED: Moved by Phipps/seconded by Lane

VOTE: Motion passed with Councilmember Vierra absent. **(4/0)**

MOTION: Approve **Resolution No. 2007-134** adopting the Appropriations Limitation for Fiscal Year 2007/08.

MOVED: Moved by Phipps/seconded by Ochoa

VOTE: Motion passed with Councilmember Vierra absent. **(4/0)**

## NEW BUSINESS

20. **Resolution No. 2007-135** granting preliminary approval of Engineer's Report for Setting Fees in the 1987 Landscaping and Lighting District for Fiscal Year 2007/2008 and Declaring intention to establish fees for the Fiscal Year beginning July 1, 2007 for the 1987 Landscaping and Lighting District, and **Resolution No. 2007-136** setting the date of July 23, 2007, for a public hearing for hearing protests in relation thereto.

Joe Hollstein, Consultant, introduced the item stating that this is the second step in setting the fees for the existing Landscape and Lighting District. Council approval of the resolutions gives preliminary approval to the Engineers Report and sets the date of July 23, 2007 for the protest hearing. At the protest hearing, the Council will hear any protests made by parties within the District. After hearing the protests, the Council will again be able to decide whether the proposed fee is appropriate and make any adjustments, if desired, to the proposed fee. The only requirement being that those adjustments can be justified in terms of the benefit received by the property affected, and the fees are not increased above the maximum amount previously proposed, adjusted for inflation.

Staff has reviewed the effects of Prop 218 on the 1987 Landscape and Lighting District. Based on the information reviewed, the District is not impacted as long as the assessments remain the same as during the prior Fiscal Year, except it can be adjusted for inflation. In adjusting the amount of the assessment, the City is following the procedures in Sections 22620 – 22631 of the Street and Highway Code, and Government Code Section 53753.

MOTION: **Resolution No. 2007-135** granting preliminary approval of Engineer's Report for Setting Fees in the 1987 Landscaping and Lighting District for Fiscal Year 2007/2008 and Declaring intention to establish fees for the Fiscal Year beginning July 1, 2007 for the 1987 Landscaping and Lighting District.

MOVED: Moved by Phipps/seconded by Lane

VOTE: Motion passed with Councilmember Vierra absent. **(4/0)**

MOTION: Approve **Resolution No. 2007-136** setting the date of July 23, 2007, for a public hearing for hearing protests in relation thereto.

MOVED: Moved by Phipps/seconded by Ochoa

VOTE: Motion passed with Councilmember Vierra absent. **(4/0)**

**COUNCILMEMBER REFERRALS - None**

**REPORTS**

Councilmembers and City Staff reported on various recent meetings they attended including the State of the City Address, Concerts in the Park. Councilmember Ochoa reported the he recently attended the TRRP meeting and things are progressing. Councilmember Lane reported that the LAFCO meeting has been cancelled for this month. Ken Craig, Community Development Director announced that the Planning Commission modified their start time from 7:00 p.m. to 6:00 p.m.

7:57 p.m. Mayor Cannella adjourned the Council meeting to Closed Session.

**CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS**

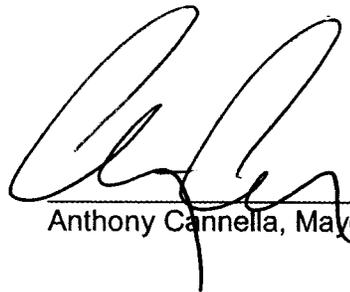
City Negotiator: Public Law Group

Employee Organization: Ceres Police Officer's Association

*Pursuant to Gov't. Code Section 54957.6*

8:35 p.m. Mayor Cannella reconvened to open session with nothing to report.

8:35 p.m. There being no further business, the Council Meeting was adjourned to the Study Session of June 28, 2007 at 5:30 p.m. in the City Council Chambers, 2210 Magnolia Street.



Anthony Cannella, Mayor

ATTEST:



Cindy Heidorn, CMC, Deputy City Clerk