

## CITY COUNCIL MINUTES

October 8, 2007

Mayor Cannella called the October 8, 2007 City Council Meeting to order at 7:00 p.m. with the following in attendance:

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

**EXCUSED:** Vice Mayor Phipps

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

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

### PRESENTATIONS

- A. Public Participation Plan: 2008 Public Participation Plan SAFETEA-LU Revision- Presentation by Carlos Yamzon, StanCOG. **Continued to meeting of November 26, 2007.**
- B. HOV: "San Joaquin Regional Ramp Metering and High Occupancy Vehicle Lane Master Plan" Introduced by Carlos, and presented by DKS and Associates. **Continued to meeting of November 26, 2007.**

**APPROVAL OF THE MINUTES** of the regular meetings of July 9, August 27 and September 24, 2007.

**MOTION:** Approve the minutes of the regular meetings of July 9, and August 27, and September 24, 2007 as recommended by staff.

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

**VOTE:** **Motion passed with Vice Mayor Phipps absent. (4/0)**

### CITIZEN COMMUNICATIONS

The following persons expressed concern with Ceres Police response to complaints of a loud party in the 3100 block of Burton Drive on September 8, 2007. They asked City Council to conduct an internal investigation of the incident.

- Wendy Byrd, representing NAACP
- Adolph Estrada, party goer
- John Mataka, representing NAACP
- Tony Guillerevy, concerned citizen
- Briana Garcia, party goer

The following persons spoke in support of the Public Safety Department:

- John Wilson, resident
- Karen Wilson, resident
- Don Donaldson, resident
- Leonard Shepherd, resident

Steve Breckenridge, resident, encouraged everyone to attend City Council meetings and become more involved in City Government.

**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 Vierra/seconded by Lane  
VOTE: **Motion passed with Vice Mayor Phipps absent. (4/0)**

**APPOINTMENTS TO BOARDS/COMMISSIONS - None**

**CONFLICT OF INTEREST DECLARATION** – Mayor Cannella declared a conflict with items 7 & 8 stating that his firm has done work with B & D United Builders in the past 12 months.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Quarterly Grant Update for July-September, 2007.
  - b. Parks, Recreation & Facilities Monthly Report for August, 2007.
2. Register of Audited Demands for period covering September 21-28, 2007.
3. Recognition of Hispanic Heritage Month in the City of Ceres.
4. **Resolution No. 2007-192** rejecting the claim of Debra Coito.
5. **Resolution No. 2007-193** approve application to the California River Parkways Program
6. **Resolution No. 2007-194** approve a FY 2007/08 Budget Amendment to appropriate 2007 Justice Assistance Grant funds.
7. **Resolution No. 2007-195** accepting the Subdivision Map for Commercial Airspace Condominium purposes - B&D United Builders. **Pulled due to Conflict of Interest.**
8. **Resolution No. 2007-196** stating its intent and ordering the annexation of the Subdivision Map for Commercial Airspace Condominium purposes - B&D United Builders Subdivision to the Landscape and Lighting District. **Pulled due to Conflict of Interest.**
9. **Resolution No. 2007-197** stating its intent and ordering the annexation of the Shuman Parcel Map to the Landscape and Lighting District.

MOTION: Approve Consent Calendar Items 1 - 6 and 9 as recommended by staff.  
MOVED: Moved by Vierra/seconded by Ochoa  
VOTE: **Motion passed with Vice Mayor Phipps absent. (4/0)**

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

7. **Resolution No. 2007-195** accepting the Subdivision Map for Commercial Airspace Condominium purposes - B&D United Builders.

MOTION: Approve **Resolution No. 2007-195** accepting the Subdivision Map for Commercial Airspace Condominium purposes - B&D United Builders.  
 MOVED: Moved by Lane/seconded by Ochoa  
 VOTE: **Motion passed with Vice Mayor Phipps absent. (3/0/1)**

8. **Resolution No. 2007-196** stating its intent and ordering the annexation of the Subdivision Map for Commercial Airspace Condominium purposes - B&D United Builders Subdivision to the Landscape and Lighting District.

MOTION: Approve Consent Calendar Items 1 - 6 and 9 as recommended by staff.  
 MOVED: Moved by Lane/seconded by Ochoa  
 VOTE: **Motion passed with Vice Mayor Phipps absent. (3/0/1)**

**UNFINISHED BUSINESS - None**

**PUBLIC HEARING**

10. Public Hearing for **Resolution No. 2007-198** Adoption of Changes of the Ceres Area Transit (CAT) and Ceres Dial-A-Ride (CDAR) Fares; and the Adjustment of Transit Services to include the replacement of One (1) Saturday and Sunday Ceres (CDAR) service vehicle non-fixed route with One (1) CAT service route.

Kay Dunkel, Administrative Program Analyst, presented a brief staff report to Council explaining that the City needs to expand the transit services to meet the growing demand for public transportation. The expanding transit service also supports the City's adopted General Plan policies. The increase in fares is required to comply with the Transportation Development Act which requires that a minimum of 10% of the operating costs be paid by the transit riders. The City would lose TDA Funding if the requirement is not met. If the City were to lose TDA fund, the City would not be able to operate the transit services.

8:42 p.m. Mayor Cannella opened the Public Hearing.

8:43 p.m. There being no one wishing to speak, Mayor Cannella closed the public hearing.

MOTION: Approve **Resolution No. 2007-198** adopting the changes of the Ceres Area Transit (CAT) and Ceres Dial-A-Ride (CDAR) Fares; and the adjustment of transit services to include the replacement of one (1) Saturday and Sunday Ceres (CDAR) service vehicle non-fixed route with one (CAT) Service route.  
 MOVED: Moved by Vierra/seconded by Ochoa  
 VOTE: **Motion passed with Vice Mayor Phipps absent. (4/0)**

11. Public Hearing for the Adoption of City of Ceres 2007 Housing Element Update. Approve **Resolution No. 2007-199** adopting a Negative Declaration and **Resolution No. 2007-200** adopting the 2007 Update of the Housing Element of the General Plan.

Barry Seibe, Planning Manager, introduced the item stating that in 2003 the City undertook the update of the Housing Element of the General Plan in accordance with State Law. State Law requires an assessment of housing needs and an inventory of resources and constraints relevant to meeting housing needs. In accordance with this law, the City proposes to adopt the 2007 update of the Housing Element previously adopted on August 24, 1992. The Update is a comprehensive statement by the City of its current and future

housing needs and proposed actions to facilitate the provisions of housing to meet those needs at all income levels.

Derek DiManno, Senior Project Manager, Mintier & Associates gave a presentation to Council detailing the State Law requirements for the Housing Element; the contents within the Housing Element and the comments from the Department of Housing and Community Development (HCD).

Mayor Cannella noted that this Housing Element Update should have been adopted in 2004 and asked why the report has taken so long to complete?

Mr. DiManno responded that along an over turn in staff played a factor as well as delays in submitting information to the HCD.

8:16 p.m. Mayor Cannella opened the Public Hearing.

Steve Breckenridge, resident, stated that he did not feel the State should be involved in the property rights on a local level.

Mike Kline, resident, stated that he felt the data was too old and should be updated to reflect current trends prior to Council adoption.

8:23 p.m. There being no one else wishing to speak, Mayor Cannella closed the public hearing.

Council discussed changes to the Housing Element Document for the following items:

- Program 2.2: INCLUSIONARY HOUSING ORDINANCE STUDY

Remove entire program.

- Program 2.10: SUBSIDIZED HOUSING REQUIRING VOTER AUTHORIZATION

**CHANGE FROM:** "To ensure that the City can take advantage of all potential sources of state and federal subsidies, and that it can exercise maximum flexibility in the use of redevelopment funds to support low income housing development, the City **shall** submit to Ceres voters.... "

**CHANGE TO:** ""To ensure that the City can take advantage of all potential sources of state and federal subsidies, and that it can exercise maximum flexibility in the use of redevelopment funds to support low income housing development, the City **can** submit to Ceres voters.... "

- PROGRAM 3.5 USE OF REDEVELOPMENT FUNDS FOR HOMELESS/TRANSITIONAL HOUSING

**CHANGE FROM:** "The City **shall** consider the use of redevelopment tax increment funds...:

**CHANGE TO:** "The City **may** consider the use of redevelopment tax increment funds..."

- PROGRAM 3.7: REZONING FOR EMERGENCY SHELTERS/TRANSITIONAL HOUSING

**CHANGE FROM:** "The City **shall** amend Chapter 18.32 of the Zoning Ordinance to allow...:

**CHANGE TO:** "The City **may** amend Chapter 18.32 of the Zoning Ordinance to allow..."

**MOTION:** Approve **Resolution No. 2007-199** adopting a Negative Declaration for the Housing Element of the General Plan.

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

**VOTE:** **Motion passed with Vice Mayor Phipps absent. (4/0)**

**MOTION:** Approve **Resolution No. 2007-200** adopting the update of the Housing Element of the General Plan with the above mentioned changes to Programs 2.2, 2.10, 3.5 and 3.7

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

**VOTE:** **Motion passed with Vice Mayor Phipps absent. (4/0)**

**NEW BUSINESS – None**

8:45 p.m. Mayor Cannella adjourned the City Council Meeting to the Redevelopment Agency Meeting.

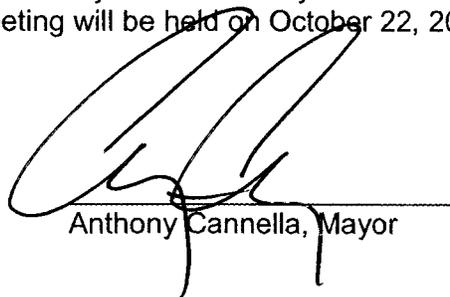
9:02 p.m. Mayor Cannella reconvened the City Council meeting.

**COUNCILMEMBER REFERRALS – None.**

**REPORTS**

Councilmembers and City Staff reported on various recent meetings. Councilmember Vierra reported that he recently attended an Air Board Symposium where a number of initiatives to try to clean the air in the Valley were discussed. Councilmember Ochoa recognized Hispanic Heritage Month and Binational Health Week and reported that he would be attending the TRRP meeting later this week.

There being no further business Mayor Cannella adjourned the City Council Meeting at 9:12 p.m. The next regularly scheduled Council Meeting will be held on October 22, 2007.



Anthony Cannella, Mayor



Cindy Heidorn, CMC  
Deputy City Clerk