

**CITY COUNCIL  
MINUTES**

**February 25, 2008**

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

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

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

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

**PRESENTATIONS**

A. Ceres Youth Commission Monthly Report.

Kevin Fliflet, President of the Ceres Youth Commission, gave a brief report on the activities of the Youth Commission including Whitmore Park clean-up day and the Ceres Street Fair.

**CITIZEN COMMUNICATIONS**

- Bill Taylor, business owner, requested that Council place an item on an upcoming agenda regarding his proposed tenant's inability to get an ABC liquor license for the business they would like to open. ABC would not issue the liquor license because the area is already over-saturated. Council did not wish to place this item on any future agenda.
- Len Shepherd asked Council and staff for an update on the opening of Fire Station No. 4.

Staff responded that the project is still in the punch-list stage and should be open in the next few weeks.

**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 unanimously (5/0)

**APPOINTMENTS TO BOARDS/COMMISSIONS – None.**

**CONFLICT OF INTEREST DECLARATION –** Mayor Cannella declared a conflict with Item #4 stating that his firm did the work for Mr. Zapiain.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Administrative Services Monthly Report for January, 2008.
  - b. Public Works Dept. Monthly report for January, 2008.
  - c. Engineering Division Monthly Report for January, 2008.
  - d. Recreation Department Monthly Report for January, 2008.

2. Register of Audited Demands for period covering February 8 – February 14, 2008.
3. Open the Public Review period of the FY08-09 CDBG Annual Action Plan, and set a Public Hearing date of April 14, 2008 to close the Public Review period of the FY 08-09 CDBG Annual Action Plan.
4. **Resolution No. 2008-21** approving the Reimbursement Agreement with Fernando Zapiain concerning a Sewer Collection Lateral at 1424 E. Whitmore Ave. and authorizing the City Manger to sign said agreement. **Pulled for conflict of interest.**
5. **Resolution No. 2008-22** approving agreement with Management Partners and amending the FY2007/08 Budget to appropriate funds.
6. **Resolution No. 2008-23** approving authorization to review confidential transactions and use tax records pursuant to Revenue and Taxation Code Section 7056.
7. **Resolution No. 2008-24** amending Professional Services Contract with Pacific Municipal Consultants (PMC) to perform Professional Planning Services by adjusting Scope of Work to include additional studies required relating to the California Environmental Quality Act (CEQA) compliance and analysis of the proposed Mitchell Ranch Center.
8. Council approval of Change Order No. 1 for the Ceres Community Center in the amount of \$8,496.00. **Pulled for further discussion.**
9. Council approval to proceed with the work contained in Proposed Change Order No. 6, submitted by J.L. Bray & Sons, on a time and material basis, for additional excavation associated with underground utility work for the construction of the Community Center.
10. Council approval to proceed with the work contained in Proposed Change Order No. 8, submitted by J.L. Bray & Sons, on a time and material basis, for additional underground utility work for the construction of the Community Center.

MOTION: Approve Consent Calendar items No. 1 – 3, 5 -7, 9 and 10 as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

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

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

4. **Resolution No. 2008-21** approving the Reimbursement Agreement with Fernando Zapiain concerning a Sewer Collection Lateral at 1424 E. Whitmore Ave. and authorizing the City Manger to sign said agreement.

MOTION: Approve **Resolution No. 2008-21** approving the Reimbursement Agreement with Fernando Zapiain concerning a Sewer Collection Lateral at 1424 E. Whitmore Ave. and authorizing the City Manger to sign said agreement.

MOVED: Moved by Lane/seconded by Durossette

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

8. Council approval of Change Order No. 1 for the Ceres Community Center in the amount of \$8,496.00.

Councilmember Durossette asked why the contractor was requesting reimbursement for copies.

Ken Craig, Community Development Director responded that there was a misunderstanding due to a lack of clarity in the bid documents.

MOTION: Council approval of Change Order No. 1 for the Ceres Community Center in the amount of \$8,496.00

MOVED: Moved by Lane/seconded by Durossette

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

### **PUBLIC HEARING**

11. **Ordinance No. 2008-\_\_\_\_\_** Public Hearing to consider amending Municipal Code Section 18.42 Signs, to define and provide provisions for allowance of changeable copy signs, electric display board signs, and electronic message centers for on-premises and off-premises signs and conversion of existing billboards to electronic changeable copy within the City of Ceres. **(First Reading and Introduction)**

The applicant requested that this item be continued to the meeting of April 14, 2008.

7:25 p.m. – Mayor Cannella opened the Public Hearing

7:26 p.m. – There being no one wishing to speak, the Public Hearing was closed.

MOTION: Continue consideration of **Ordinance No. 2008-\_\_\_\_\_** to the City Council Meeting of April 14, 2008.

MOVED: Moved by Lane/seconded by Durossette

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

12. **Ordinance No. 2008-982** amending certain sections of Title 12 of the Ceres Municipal Code to regulate trench cutting in City streets. **(First Reading and Introduction)**

Ken Craig, Community Development Director, gave a brief staff report stating that Council expressed concern that without a Trench Cut Policy, utility companies and/or private contractors may not have to consider the aesthetics of the roadway or the deterioration of the structural integrity of the pavement caused by trench cuts shortly after the repaving and/or sealing of roadways.

After extensive review by staff of other cities policies and the legal aspects of trench cuts, staff agrees that limiting the timing for trench cuts on newly repaved streets and right-of-ways will promote better utility planning and maintenance thereby minimizing unnecessary trench cuts that cause disruption to vehicular/pedestrian movement, cause additional staff work, and reduce the life of City infrastructure throughout the City.

Staff suggested amending the City Municipal Code to add a Trench Cut Policy that will place a three-year restriction on newly paved streets and a one-year restriction on newly sealed streets with a provision for specific exceptions for emergencies.

7:27 p.m. – Mayor Cannella opened the Public Hearing

7:28 p.m. – There being no one wishing to speak, the Public Hearing was closed.

MOTION: Waive full reading and have **Ordinance No. 2007-982** read by title and number only.

MOVED: Moved by Lane/seconded by Vierra

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

Mayor Cannella directed the City Clerk to read **Ordinance 2007-982** by number and title only.

MOTION: Approve **Ordinance No. 2007-982** amending certain sections of Title 12 of the Ceres Municipal Code to regulate trench cutting in City streets for first reading and introduction.

MOVED: Moved by Lane/seconded by Vierra

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

### NEW BUSINESS

13. **Resolution No. 2008-25** approving the City of Ceres 5-year Capital Improvement Plan and accepting the Planning Commission's finding of conformity with the General Plan.

Ken Craig, Community Development Director, presented the FY2007/08 through FY2011/12 Capital Improvement Program. The total number of projects included in the CIP over the five year period is 101. An adopted CIP will provide direction and priority towards planning and development of the needed infrastructure for the City.

Glen Lewis, representing JES Engineers, presented an overview of the projects and their projected costs with relation to the General Plan.

MOTION: **Resolution No. 2008-25** approving the City of Ceres 5-year Capital Improvement Plan and accepting the Planning Commission's finding of conformity with the General Plan.

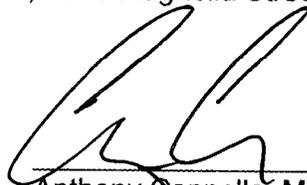
MOVED: Moved by Lane/seconded by Vierra

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

### REPORTS

None

There being no further business, Mayor Cannella adjourned the City Council Meeting at 7:50 p.m. to the City and School Annual Meeting of the Elected Bodies to be held Tuesday, February 26, 2008 at 7:00 p.m. in the City Council Chambers, 2210 Magnolia Street.



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Anthony Cannella, Mayor



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Cindy Heldorn, City Clerk