

## CITY COUNCIL MINUTES

04/14/08

Mayor Cannella called the meeting to order at 7:16 p.m. with the following in attendance:

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

### PRESENTATIONS

- A. Proclamation declaring April 25, 2008 as National Arbor Day.  
Mayor Cannella announced that the City would have a ceremony on April 17, 2008 at 1:15 p.m. at La Rosa Elementary School.
- B. Proclamation declaring the week of April 13–19, 2008 National Telecommunicators Week.  
Mayor Cannella presented the proclamation to Shawwna Yotsuya, Sr. Dispatcher.

**APPROVAL OF THE MINUTES** of the regular meeting of March 24, 2008.

**MOTION:** Approve the regular meeting minutes of March 24, 2008 as recommended by staff.

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

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

### CITIZEN COMMUNICATIONS

- Susan Novak representing the League of Women Voters of Stanislaus County gave a brief overview of their organization and encouraged everyone to get involved.
- Len Shepherd, resident, commended Council on the progress of the Community Center. Mr. Shepherd further mentioned that he would like to see the Library expanded.

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

Mayor Cannella stated that he had a request to move Item 16 to immediately follow the Consent Calendar. Council concurred.

**MOTION:** Approve the agenda as amended and certification of posting.

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

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

### APPOINTMENTS TO BOARDS/COMMISSIONS - none

**CONFLICT OF INTEREST DECLARATION** – Mayor Cannella declared a conflict with Item #9 stating that his firm has done business with ROEK Construction in the last 12 months.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Take Pride in Ceres – Herndon Road Community Cleanup. **Pulled for further discussion.**
  - b. March 2008 Building Activity and Revenue Generation.
  - c. Calendar for FY 2008/09 Budget Study Sessions and Public Hearing. **Pulled for further discussion.**
2. Register of Audited Demands for period covering March 14 – 25, 2008.
3. **Resolution No. 2008-42** adopting the Ceres Short Range Transit Plan for Fiscal Years 2007/08 – 2009/20. **Pulled for further discussion.**
4. **Resolution No. 2008-43** awarding the bid to Municipal Maintenance Equipment for the purchase of the Wastewater Division Pipe Line Video Inspection Unit.
5. **Resolution No. 2008-44** approving the replacement of the 15 ton Heating Ventilation and Air Conditioning (HVAC) unit that serves the Annex building. **Pulled for further discussion.**
6. **Resolution No. 2008-45** approving a contract with Water Solutions Inc., to perform professional consulting services and amending the FY 2007/08 Budget to appropriate funds.
7. **Resolution No. 2008-46** authorizing adoption of the agreement with Inglewood Citation Management Services (ICMS) for automated processing of parking citations.
8. **Resolution No. 2008-47** authorizing acceptance of the interpreter service contract for 9-1-1 calls between Language Line Services and the City of Ceres.
9. **Resolution No. 2008-48** approving Change Order No. 3 for Fire Station No. 4. **Pulled due to conflict of interest.**
10. **Resolution No. 2008-49** authorizing Change Order No. 1 to the Agreement with Rolfe Construction for water main extension for a cost not to exceed \$30,000 and approving appropriation adjustments for said Change Order. **Pulled for further discussion.**
11. **Resolution No. 2008-50** approving an Agreement with Wood Rodgers to design a Temporary Pump Station and Permanent Well Site at Ceres Lions Park Well and amending the FY 2007/08 Budget in the amount of \$135,000. **Pulled for further discussion.**
12. **Resolution No. 2008-51** approving Agreement with Conco West to construct a Temporary Pump Station at Ceres Lions Park Well and amending the FY 2007/08 budget in the amount of \$151,800. **Pulled for further discussion.**

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

1. General Correspondence – **Information Only**
  - a. Take Pride in Ceres – Herndon Road Community Cleanup.

Chief de Werk reported to Council on the first community cleanup being held on Saturday, April 19, 2008 from 8:00 a.m. – 1:00 p.m. The clean-up will include Herndon Road between Whitmore and Hatch.

MOTION: Approve Consent Calendar Items 1a – 1b, 2, 4, 6, 7, 8 as recommended by staff.

MOVED: Moved by Vierra/seconded by Ochoa

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

- c. Calendar for FY 2008/09 Budget Study Sessions and Public Hearing.

Mayor Cannella noted that he would not be available for the June 12, 2008 Study Session.

Staff responded that if the second study session is necessary, they would seek an alternate date.

MOTION: Approve Consent Calendar Items 1c.

MOVED: Moved by Lane/seconded by Vierra

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

- 3. **Resolution No. 2008-42** adopting the Ceres Short Range Transit Plan for Fiscal Years 2007/08 – 2009/10.

Kay Dunkel, Administrative Program Analyst presented the staff report stating that the Ceres Short Range Transit Plan is a planning document for improving and enhancing transit services within the City. An adopted plan is needed in order to apply for Proposition 1B funds from Caltrans. StanCOG also requests that each transit operator in its region which receives state and federal funds prepare, adopt and submit a Short Range Transit Plan. The plan describes the existing services provided by the City of Ceres, transit standards that are to be met, and recommendations for the service.

The City needs to plan for expanding transit services to meet the growing demand for public transportation. The City desires to seek additional funding opportunities to enhance the transportation services and needs an adopted policy in order to seek capital funding from the Proposition 1B funds.

Mayor Cannella asked how we will follow up to make sure that all of the recommendations are being met.

Ms. Dunkel responded that there are reporting requirements that will serve as a tracking mechanism.

MOTION: Approve **Resolution No. 2008-42** adopting the Ceres Short Range Transit Plan for Fiscal Years 2007/08 – 2009/10.

MOVED: Moved by Vierra/seconded by Ochoa

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

- 5. **Resolution No. 2008-44** approving the replacement of the 15 ton Heating Ventilation and Air Conditioning (HVAC) unit that serves the Annex building.

Phil Scott, Public Works director introduced the item stating that during the preventative maintenance service of the HVAC units at City Hall, the technician discovered a problem with the unit that services the Annex building that cannot be easily repaired. The cost to repair the already 10 year old unit is almost as much as the cost of a brand new unit. It is economically more feasible to replace the entire unit, have a valid warranty and operate virtually trouble free as well as realize some electrical cost savings with a newer more efficient unit. Of the three

bids that were received for the new unit, DeHart Plumbing, Heating and Air Conditioning was the lowest bidder.

Vice Mayor Vierra expressed concern that staff was choosing to go with a company from Modesto as opposed to a local business. Vice Mayor Vierra asked for clarification of the City's current purchasing ordinance with regards to local bidder preference.

Mike Lyons, City Attorney responded that the City's current purchasing ordinance states:

"... local bidders for the provision of supplies, equipment or services to the City may, in the discretion of the Purchasing Officer, be allowed a three percent (3%) preference. For purpose of this Section, "local bidder" shall mean a business holding a valid City business license and having its principal place of operation within the Municipal boundaries of the City."

The bid submitted by the local bidder, IC Refrigeration was more than 3% higher than the bid submitted by DeHart.

**MOTION: Resolution No. 2008-44** approving the replacement of the 15 ton Heating Ventilation and Air Conditioning (HVAC) unit that serves the Annex building.

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

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

**9. Resolution No. 2008-48** approving Change Order No. 3 for Fire Station No. 4.

Mayor Cannella recused himself from the Dais for this item.

**MOTION: Resolution No. 2008-48** approving Change Order No. 3 for Fire Station No. 4.

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

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

**10. Resolution No. 2008-49** authorizing Change Order No. 1 to the Agreement with Rolfe Construction for water main extension for a cost not to exceed \$30,000 and approving appropriation adjustments for said Change Order.

There were no questions or discussion for this item.

**MOTION: Resolution No. 2008-49** authorizing Change Order No. 1 to the Agreement with Rolfe Construction for water main extension for a cost not to exceed \$30,000 and approving appropriation adjustments for said Change Order.

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

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

**11. Resolution No. 2008-50** approving an Agreement with Wood Rodgers to design a Temporary Pump Station and Permanent Well Site at Ceres Lions Park Well and amending the FY 2007/08 Budget in the amount of \$135,000.

Phil Scott, Public Works Director presented the staff report stating that the State Department of Health has issued a June 1, 2008 deadline to increase the quantity of water available during the summer months. It is critical that the City meet the June 1, 2008 deadline to increase the water production capability, not only to meet the mandate of the State but also to meet the peak summer demand while maintaining good water pressure and delivering high water

quality. Although it is doubtful that a temporary pump station could be in place by June 1, 2008, staff is hopeful that we could meet the urgent peak water demands with rehabilitation of some existing wells by the June 1 deadline and bring on the temporary pump station at Ceres Lions Park soon after in mid or late June and meet the intent of the State to meet peak water demand and provide for a standby well in case of emergency maintenance. Staff believes it is necessary to waive the normal Request for Proposal procedure as this would further delay the installation of the pumping equipment at the well and would not meet the State's requirements.

Councilmember Lane and Vice Mayor Vierra expressed concern that we were bypassing the RFP process and choosing a vendor that was currently doing other work with the City. Vice Mayor Vierra further stated that he realized this is a unique situation but he wanted to make sure that the City exercises caution and makes sure that there are other entities involved in the process.

**MOTION: Resolution No. 2008-50** approving an Agreement with Wood Rodgers to design a Temporary Pump Station and Permanent Well Site at Ceres Lions Park Well and amending the FY 2007/08 Budget in the amount of \$135,000.

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

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

**12. Resolution No. 2008-51** approving Agreement with Conco West to construct a Temporary Pump Station at Ceres Lions Park Well and amending the FY 2007/08 budget in the amount of \$151,800.

Councilmember Lane asked if Staff was comfortable with Conco West's work product.

Mr. Scott responded that Wood Rodgers as well as Staff is very satisfied with the quality of work that Conco West has done.

**MOTION: Resolution No. 2008-51** approving Agreement with Conco West to construct a Temporary Pump Station at Ceres Lions Park Well and amending the FY 2007/08 budget in the amount of \$151,800.

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

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

**UNFINISHED BUSINESS – None.**

## **NEW BUSINESS**

**16.** Council acceptance of the City of Ceres audited Financial Reports for period ending June 30, 2007.

Nasi Raissian, CAP, representing Caporicci and Larson, auditors for the City of Ceres, addressed Council regarding the annual audit report. Ms. Raissian stated that an unqualified opinion has been given by the auditors to the City. The unqualified opinion is the highest or best opinion that an auditor can give. The auditors made the following recommendations:

- Staffing in the Finance Department be increased to allow for a greater segregation of duties.

- The City was not completely prepared for the audit due to staffing shortages.
- There is no formal policies and procedures manual for cash receipts handling.

MOTION: Accept the City of Ceres audited Financial Reports for period ending June 30, 2007

MOVED: Moved by Vierra/seconded by Durossette

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

## PUBLIC HEARING

13. Closure of the CDBG FY 2008/09 Annual Action Plan Public Review/Comment Period and adoption of **Resolution No. 2008-52** approving the CDBG Annual Action Plan for FY 2008/09.

Bryan Briggs, Economic Development/Redevelopment Manager, addressed Council explaining that the City is a member of the Stanislaus County HUD Consortium consisting of Stanislaus County, Ceres, Patterson, Oakdale, Newman, Waterford and (for the HOME Program only) Turlock. This enables the County and participating cities to access funds directly from the federal government rather than compete for funds through the State. The Consortium is nearing the beginning of a new fiscal year, and is updating the CEDBG Annual Action Plan for FY 2008/09.

The Planning and Community Development Department of Stanislaus County has the lead role in the preparation of the Annual Action Plan, which includes public participation. A series of public meetings were held in February in each jurisdiction of the participating member. In Ceres, this meeting was held on February 20, 2008 at the Ceres Resource Center. Comments were made suggesting future (2009/10) storm drain and sidewalk improvements in the neighborhood of 3<sup>rd</sup> and 4<sup>th</sup> Streets, north of Whitmore Avenue. The Annual Action Plan has been available for public review in the Planning and Community Development Departments, as well as various locations throughout the County for over a month. To date, no additional comments have been received in Ceres.

8:11 p.m. Mayor Cannella opened the Public Hearing.

8:12 p.m. There being no one wishing to speak, Mayor Canella closed the Public Review/Comment Period and brought the item back to Council for any comments or questions.

MOTION: Adopt **Resolution No. 2008-52** approving the CDBG Annual Action Plan for FY 2008/09.

MOVED: Moved by Lane/seconded by Ochoa

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

14. **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.

Tom Westbrook, Senior Planner, gave an overview of the item stating that Staff's recommendation to Council was to deny the proposed ZOTA, direct staff to place the comprehensive update to the Municipal Code Section 18.42 Signs on the Community Development Department's work projects list and deny the applicant's request for a refund of the ZOTA application fees.

Mr. Westbrook further stated that the last comprehensive update to Municipal Code Section 18.42 was done in 1994. During that time industry standards and signing technology have advanced and provide signage opportunity which our current code does not recognize. Additionally, Section 18.42 does not address signs that could be envisioned for large and regional shopping centers. Staff prefers to address signage on a city-wide basis and update the entire section relating to signs at once rather than in a piecemeal manner with individual requests.

Concerns adduced by Mr. Westbrook with regard to changeable copy signs were:

- The distraction caused by the signs will result in an increased risk of traffic accidents along major and collector roads where commercial and industrial businesses and the signs are located;
- once one business puts up a significant attention getting sign their competitors or other businesses will follow suit, possibly with even taller and larger signs;
- The signs are detrimental to the planning efforts to beautify the State Route 99 corridor.

Mr. Westbrook showed Council several pictures of various changeable copy signs around the area including signs located at community schools that are technically illegal non-conforming signs.

Mayor Cannella asked staff to estimate the time it would take to produce a comprehensive sign update.

Staff responded that given the current work load and priorities set by Council, a comprehensive sign update would take at least one year.

Jake Raper, representing the Applicant, addressed Council. Mr. Raper stated that since there was no Ordinance provided in the staff report, he drafted one and provided a copy to Council. He then presented a slide presentation with several examples of the beneficial uses of electronic and changeable copy signs. Mr. Raper concluded by emphasizing that the applicant would like to move forward and not wait a year for City Staff to do a comprehensive update to the current sign ordinance.

8:35 p.m. Mayor Cannella opened the Public Hearing

Those speaking in support of Changeable Copy Signs:

- Dirk Wyatt, Applicant
- George Barton, representing Daktronics, manufacturer of changeable copy signs

Those speaking in opposition to Changeable Copy Signs:

- Mr. Estrada, resident

8:40 p.m. There being no one else wishing to speak, Mayor Cannella closed the Public Hearing.

Councilmember Ochoa stated that he has not seen a proliferation of changeable copy signs throughout the County. He is in favor of changeable copy signs and sign uniformity in the City.

Councilmember Durossette stated that he felt we should begin working on a comprehensive sign update in preparation of the Service/Mitchell/99 Interchange. He is in favor of changeable copy signs but feels that standards should put in place.

Councilmember Vierra concurred and added that this is a big policy issue and he does not want to rush the process.

Councilmember Lane stated that he also supports changeable copy signs. He further stated that he does not see any distinction between public entities and private businesses and would like to see the electronic signs currently being used by the school district and the Ceres Christian Academy brought into compliance. He feels that a comprehensive sign ordinance update needs to be done but would like to see it completed prior to the one year estimate that staff has given. Councilmember Lane requested that the timing of the Code Section update be discussed at the priority-setting Study Session in May.

Mayor Cannella commented that he does not like the electronic signs. He would like Staff to do a comprehensive sign ordinance update.

Mayor Cannella polled Council to determine if any Councilmember was in favor of making a motion to approve the sign ordinance submitted by the Applicant for first reading and introduction.

Council determined that the ordinance submitted by the applicant should not be approved without prior staff analysis.

Mayor Cannella then posed the following options:

- Approve the ordinance submitted by the applicant at the meeting.
- Continue the item to a future meeting to consider the applicants ordinance.
- Direct staff to do a comprehensive ordinance review to develop a full range of standards which will include standards for electronic changeable copy signs.

After some further discussion, Council made the following motion:

**MOTION:** Direct staff to do a comprehensive update of Ceres Municipal Code Section 18.42 Signs.

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

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

**MOTION:** Motion to refund ZOTA application fees to the Applicant.

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

**VOTE:** **Motion passed with Mayor Cannella voting No. (4/1)**

9:14 p.m. Council recessed for a five minute break

9:23 p.m. Council reconvened in open session.

**15. Resolution No. 2008-\_\_\_\_\_** adopting a mitigated negative declaration for a proposed Rezone/Planned Community Master Plan (RZ/PCMP 07-23) to allow the development of a 30-unit senior housing project located at 2732 5<sup>th</sup> Street and **Resolution No. 2008-\_\_\_\_\_** approving the Rezone/Planned Community Master Plan (RZ/PCMP 07-23) to allow the development of a 30-unit senior housing project located at 2732 5<sup>th</sup> Street.

Barry Siebe, Planning Manager, addressed Council stating that in 2005, the Planning Commission approved a conditional use permit to allow the restoration of the Whitmore Mansion facility as an event center use. Prior to the conditional use permit approval, the applicant had discussions with City staff in regards to the development of the remaining

portions of the site and indicated that a housing project would be proposed in the future with the main development occurring on the south end of the property adjacent to North Street.

At the March 17, 2008 Planning Commission meeting, the applicant proposed a 30-unit senior housing project, and the modification of the current R-4 zoning designation to a Planned Community zone designation which allows the housing density of the project to be calculated over the entire 2.6 acre site in lieu of restricting the density to the proposed subdivided parcel.

The decision at the Planning Commission meeting was a 5-0 vote in favor of recommending that the City Council approve the Rezone/Planned Community Master Plan.

Cary Pope, Applicant, thanked Council for their consideration of the item and stated that they were very excited about the project.

Dave Meiling, representing Stancoe, developer of the proposed senior project thanked Council for their consideration.

9:31 p.m. Mayor Cannella opened the Public Hearing.

9:32 p.m. There being no one wishing to speak, the Public Hearing was closed.

After some Council discussion the following motion was made.

**MOTION:** Approve **Resolution No. 2008-53** adopting a mitigated negative declaration for a proposed Rezone/Planned Community Master Plan (RZ/PCMP 07-23) to allow the development of a 30-unit senior housing project located at 2732 5<sup>th</sup> Street

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

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

**MOTION:** Approve **Resolution No. 2008-54** approving the Rezone/Planned Community Master Plan (RZ/PCMP 07-23) to allow the development of a 30-unit senior housing project located at 2732 5<sup>th</sup> Street.

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

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

## **COUNCILMEMBER REFERRALS**

Councilmember Lane requested a traffic analysis on Moffett Road between Whitmore and Fowler. Staff responded that they would initiate a traffic analysis and report back to Council.

## **REPORTS**

Councilmember Durossette reported on the recent activities of the Community Center Interior Design Committee. Vice-Mayor Vierra reported on the construction of the Hatch Road Bike Path. Vice Mayor Vierra commented that the initial construction has been completed so that we would not lose the funding available. The path currently terminates at the TID station but ultimately will be part of a city-wide bike master plan.

9:45 p.m. Mayor Cannella adjourned to closed session.

**CLOSED SESSION**

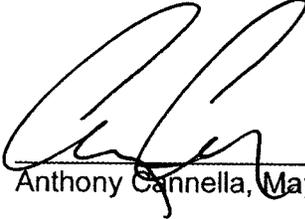
**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

*Pursuant to Government Code Section 54957*

Mayor Cannella reconvened the City Council Meeting at 10:50 p.m. with nothing to report.

There being no further business, Mayor Cannella adjourned the meeting at 10:50 p.m.



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Anthony Cannella, Mayor



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Cindy Heidorn, City Clerk