

**CITY COUNCIL MINUTES**  
**May 27, 2008**

Mayor Cannella called the Regular City Council Meeting of May 27, 2008 to order at 7:00 p.m. with the following in attendance:

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

**EXCUSED** Councilmember Ochoa

**INVOCATION** by Mayor Anthony Cannella

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

**APPROVAL OF THE MINUTES** of the regular meeting of April 28, 2008 and May 12, 2008.

**MOTION:** Approve the Minutes of the regular

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

**VOTE:** **Motion passed with Councilmember Ochoa absent. (4/0/1)**

**CITIZEN COMMUNICATIONS**

- Len Shepherd commented on the Memorial Day Service at the cemetery.

**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 Councilmember Ochoa absent. (4/0/1)**

**APPOINTMENTS TO BOARDS/COMMISSIONS**

A. City Council Appointments to the Measure H Oversight Committee.

On May 29, 2008, the City Council interviewed the applicants for the Measure H Oversight Committee. Each Council member rated the candidates individually. The points were tallied and the individuals with the highest scores were appointed to serve on the committee. The results are as follows:

Lisa Mantarro Moore and Kathi Foster were appointed to serve three-year terms. Kim Chapman, Randy Cerny and Brandy Meyer were appointed to serve two-year terms.

**CONFLICT OF INTEREST DECLARATION**

None

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Administrative Services Monthly Report for April, 2008.
  - b. Engineering Division Monthly Report for April, 2008.
  - c. Public Works Department Monthly Report for April, 2008.
2. Register of Audited Demands for period covering May 2 – 15, 2008.
3. **Resolution No. 2008-70** approving the Local Transportation Development Act (TDA) Claim for transit purposes.
4. **Resolution No. 2008-71** authorizing an addendum to the agreement for professional consultant services with Pacific Municipal Consultants (PMC) for the proposed Mitchell Ranch Center. (K. Craig)
5. **Resolution No. 2008-72** approving the Annual Report of the Ceres Downtown Revitalization Area Board for Fiscal Year 2008/09 and Setting a Public Hearing on June 23, 2008, to Levy an Assessment for CDRAB Activities and Projects.

MOTION: Approve Items 1a-c and 2-5 as recommended by staff.

MOVED: Moved by Vierra/seconded by Durossette

VOTE: **Motion passed with Councilmember Ochoa absent. (4/0/1)**

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

None

**UNFINISHED BUSINESS**

None

**PUBLIC HEARING**

None

**NEW BUSINESS**

6. **Ordinance No. 2008-985** amending the Ceres Municipal Code to add a new Chapter 4.04 to provide for the regulation of shopping carts.

Bryan Nicholes, Battalion Chief, introduced the item stating that, as is the case in many communities, abandoned shopping carts have become a significant detractor to the appearance and quality of life in Ceres. They are strewn throughout residential neighborhoods, commercial areas, parks, vacant lots, alleys and in and along roadways.

The City of Ceres does not currently have an ordinance that effectively deals with the problem of abandoned shopping carts. The proposed ordinance would make the removal of

shopping carts from the owner's premises a violation of the Ceres Municipal Code and facilitate the retrieval of the abandoned carts by the cart-owner once notified. The ordinance also establishes fees for citations when a person is found to have removed a cart without the proper authorization.

Mike Lyons, City Attorney, outlined the legal implications of the ordinance.

Steve Breckenridge, resident, expressed his concern that any individuals caught removing shopping carts from a cart-owner's premises would be deprived of their due process under this ordinance. The theft of shopping carts is already a crime and should be treated as such.

Leonard Shepherd, resident, stated that there was no need for the ordinance because there are already laws in place to prosecute individuals who remove shopping carts from stores.

After some Council discussion the following motion was made:

**MOTION:** Waive full reading and have **Ordinance No. 2007-985** read by title and number only.

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

**VOTE:** **Motion passed with Councilmember Ochoa absent. (4/0/1)**

Mayor Cannella directed the City Clerk to read **Ordinance 2007-985** by number and title only.

**MOTION:** Approve **Ordinance No. 2007-985** amending the Ceres Municipal Code to add a new Chapter 4.04 to provide for the regulation of shopping carts with the following additions: *4.04.030 ENFORCEMENT AUTHORITY, add the phrase "as allowed by state and federal law" and 4.04.040 AUTHORITY TO INSPECT, add the phrase "as allowed by state and federal law".*

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

**VOTE:** **Motion passed with Councilmember Lane absent. (4/0/1)**

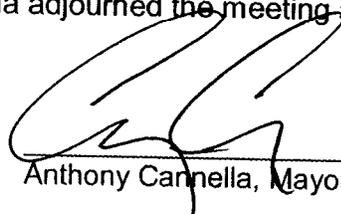
### **COUNCILMEMBER REFERRALS**

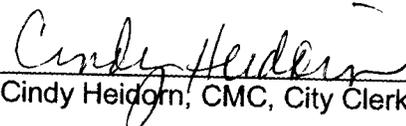
None

### **REPORTS**

City Council and Staff reported on various recent activities including the recent Memorial Day Service. Mayor Cannella stated that it was an honor to be able to attend the Memorial Day Service and we should never forget the sacrifices made on our behalf.

There being no further business, Mayor Cannella adjourned the meeting at 8:21 p.m.

  
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Anthony Cannella, Mayor

  
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Cindy Heidorn, CMC, City Clerk