

CITY COUNCIL MINUTES

June 9, 2008

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

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

EXCUSED Vice-Mayor Vierra

INVOCATION by Pastor Dave Broyles, Ceres Christian Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Council Presentation of Plaques to the Yes On Measure H Committee.

Mayor Cannella thanked the Yes on Measure H Executive Committee and all those who volunteered their time and talents to the successful passage of the measure.

CITIZEN COMMUNICATIONS - None

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

MOTION: Approve the agenda as posted and certification of posting.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed with Vice-Mayor Vierra absent (4/0/1)

APPOINTMENTS TO BOARDS/COMMISSIONS

None

CONFLICT OF INTEREST DECLARATION

None

CONSENT CALENDAR

1. Register of Audited Demands for period covering May 16 – 23, 2008.
2. Waiver of Second Reading and Adoption of **Ordinance No. 2008-985** amending the Ceres Municipal Code to add a new Chapter 4.04 to provide for the regulation of shopping carts.
3. Set Public Hearing date of July 14, 2008 to consider a proposed Zoning Ordinance Text Amendment to regulate the keeping of non-hook bill birds (e.g. pigeons) in the City's residential zone districts.
4. **Resolution No. 2008-73** approving the donation of a 2002 Chevrolet Tahoe to the City of Newman for their newly established Canine Program.
5. **Resolution No. 2008-74** rejecting the Application for Leave to Present Late Claim of Augusto Jauregui Gonzalez through his attorney, Law Office of Mina L. Ramirez.

6. **Resolution No. 2008-75** rejecting the Claim of Stella Martinez and Erica Martinez.
7. **Resolution No. 2008-XXX** which authorizes Staff to submit an Out of Boundary Service Application to Stanislaus County Local Agency Formation Commission (LAFCO) on behalf of the El Rematito Flea Market for the extension of sewer service to property located at the northwest corner of Crows Landing and Hackett Roads. ***PULLED FOR FURTHER DISCUSSION.***
8. **Resolution No. 2008-77** approving the Consortium Agreement with Stanislaus County for the purpose of undertaking HOME-eligible housing assistance activities and designating the City of Turlock as the Lead Agency and the Cities of Ceres, Newman, Oakdale and the County of Stanislaus as sub-recipients of HOME funds for Federal FY 2009/10 and **Resolution No. 2008-78** approving the Consortium Agreement with the City of Turlock designating the City of Turlock as the Lead Agency in the Consortium and the City of Ceres as sub-recipient of HOME funds for FY 2009 & 2010.
9. **Resolution No. 2008-XXX** determining to undertake proceedings for setting assessments for the 2008-09 Fiscal Year for the 1987 Landscaping and Lighting District pursuant to the Landscaping and Lighting Act of 1972, ordering the preparation of an Engineer's Report and setting the date of July 14, 2008 for a Public Hearing with reference to the District and Zones. ***ITEM BEING CONTINUED TO 06/23/08.***
10. Set the date of June 23, 2008 for a Public Hearing to adopt the annual budget for the City of Ceres for the 2008/09 Fiscal Year beginning July 1, 2008 and ending June 30, 2009 and adopting the 2008/09 appropriations limitation.

MOTION: Approve consent calendar items 1-6 and 8-10 as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice-Mayor Vierra absent (4/0/1)

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

7. **Resolution No. 2008-XXX** which authorizes Staff to submit an Out of Boundary Service Application to Stanislaus County Local Agency Formation Commission (LAFCO) on behalf of the El Rematito Flea Market for the extension of sewer service to property located at the northwest corner of Crows Landing and Hackett Roads.

Council expressed concern that the City would be providing sewer services to this area with no direct benefit to the City. The El Rematito Flea Market is not in the City limits and does not provide any sales tax revenue to the City. Since the City has limited sewer capacity and Council was concerned that we would potentially be limiting our ability to provide services for future growth.

Armando Flores, representing El Rematito Flea Market requested Council support.

After some Council discussion, the following motion was made:

MOTION: Continue Item 7, to June 23, 2008, to allow staff to do further analysis of the impact of the sewer service extension request on the City's sewer capacity and ability to accommodate future growth.

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion passed with Vice-Mayor Vierra absent (4/0/1)

UNFINISHED BUSINESS

11. **Resolution No. 2008-79** approving agreement between the City of Ceres and Dirk Wyatt regarding the annexation and development of real property.

Ken Craig, Community Development Director introduced the item explaining that in August, 2007, Mr. Dirk Wyatt contacted City staff regarding the submittal of an annexation application for real property located at 3831 Hatch Road without preparing and submitting any type of Master or Specific Plan documents. On January 14, 2008, the City Council approved Resolution No. 2008-01 which waived the requirements of General Plan Policy 1.B.5 and imposed a condition that no Annexation and/or Pre-zone application would be submitted for the property at 3831 Hatch Road unless accompanied by an appropriate Master Plan, Specific Plan or Development plan as determined to be necessary by the Community Development Director.

At the time Resolution 2008-01 was passed, it was thought that a formal statutory "Development Agreement" would be required to guarantee that the ultimate division of the property and its development would be reviewed and approved by the City. A formal statutory "Development Agreement" requires the inclusion of matters beyond the scope and intentions of the parties and must be adopted by ordinance which requires a public hearing and at least a two to three month period for final approval and implementation.

When Staff began its drafting of the Agreement it became apparent that the Council's objectives could be more easily accomplished by simply requiring that the property be pre-zoned to PC – Planned Community Development, which zoning district requires that a specific development plan be approved by the Council prior to any division or development of the property. In addition, it was also apparent that development of the uniquely situated property would be well suited for development in the PC zone.

Councilmember Lane commended staff for their efforts on the project.

- MOTION:** Resolution No. 2008-79 approving agreement between the City of Ceres and Dirk Wyatt regarding the annexation and development of real property.
MOVED: Moved by Lane/seconded by Ochoa
VOTE: Motion passed with Vice-Mayor Vierra absent (4/0/1)

PUBLIC HEARING

12. Public Hearing to consider the adoption of **Resolution No. 2008-80** levying an assessment for Ceres Downtown Revitalization Area Board (CDRAB) activities and projects for FY 2008/09.

Bryan Briggs, Economic Development/Redevelopment Manager gave a brief overview of the item stating that its regularly scheduled meeting of May 27, 2008, the City Council approved the Annual Report of the Ceres Downtown Revitalization Area Board and set the Public hearing for June 9, 2008 to consider levying the assessments for the 2008/09 Fiscal Year. The assessment for the 2008/09 Fiscal Year will be the same as originally established for the foundation of the Parking and Business Improvement District for the Ceres Downtown Revitalization Area.

The activities and programs funded by CDRAB are of vital importance to the continued success of revitalization efforts in Downtown Ceres. Collecting the assessments is the only

method to fund the projects that keep Downtown clean and well-lit. The revenue also contributes to promotional and beautification efforts of all Downtown businesses.

7:29 p.m. - The Public Hearing was opened.

7:30 p.m. - There being no-one wishing to speak, the Public Hearing was closed.

MOTION: Resolution No. 2008-80 levying an assessment for Ceres Downtown Revitalization Area Board (CDRAB) activities and projects for FY 2008/09.

MOVED: Moved by Lane/seconded by Durossette

VOTE: Motion passed with Vice-Mayor Vierra absent (4/0/1)

NEW BUSINESS

None

7:30 p.m. Mayor Cannella adjourned to the Redevelopment Agency Meeting

7:32 p.m. Mayor Cannella reconvened the City Council Meeting

COUNCILMEMBER REFERRALS

None

REPORTS

Councilmember Lane reported on the LOCC Mayor's and Councilmember's Executive Forum he attended highlighting the sessions on Customer Service and Gang Prevention.

7:37 p.m. Mayor Cannella adjourned the meeting to closed session.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

City Negotiator: Public Law Group

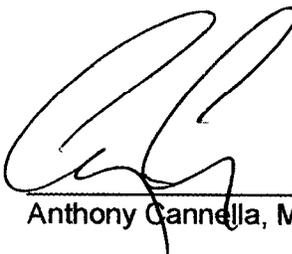
Employee Organization: Mid-Management Employees

Employee Organization: Ceres Department of Public Safety Firefighters Association

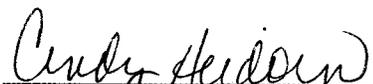
Pursuant to Gov't. Code Section 54957.6

8:45 p.m. Council reconvened in Open Session with nothing to report.

There being no further business, Mayor Cannella adjourned the meeting at 8:45 p.m. to the next regularly scheduled meeting on June 23, 2008.



Anthony Cannella, Mayor



Cindy Heidorn, City Clerk