

## CITY COUNCIL MINUTES

July 14, 2008

Mayor Cannella called the meeting 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. MAYOR CANNELLA'S STATE OF THE CITY ADDRESS.**

Mayor Anthony Cannella delivered the City's 2008 State of the City Address.

**B. Proclamation declaring support for the San Joaquin Valley Air Pollution Control District's Healthy Air Living Initiative.**

Vice Mayor Chris Vierra accepted the Proclamation on behalf of the San Joaquin Air Pollution Control District.

**C. Presentation by Ron Richter, representing the community of Rachel Nevada, thanking the City Council for the donation of Fire Engine #23.**

Ron Richter read a letter of appreciation from the community of Rachel Nevada for the donation of Fire Engine #23 and presented Council with a certificate.

**APPROVAL OF THE MINUTES** of the regular meeting of May 27, 2008.

**MOTION:** Approve the minutes of the regular meeting of May 27, 2008.

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

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

**CITIZEN COMMUNICATIONS** to the Council on matters not included on the agenda (five minutes).

1A. Correspondence received July 8, 2008 from Harry J. Crompe.

1B. Len Shepherd, resident, spoke of his appreciation of Fire Fighters especially during this very active fire season.

### 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 Durossette

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

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

**CONFLICT OF INTEREST DECLARATION****CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

1. General Correspondence – **Information Only**
  - a. Memorandum – Application to Office of Traffic Safety Sobriety Checkpoint Grant Program.
  - b. Administrative Services Monthly Report for May, 2008.
  - c. Avian Flu Update.
  - d. Building Department Monthly Report for June, 2008.
2. Register of Audited Demands for period covering June 24 - July 1, 2008.
3. **Resolution No. 2008-89** accepting the BEGIN Grant and creating new account to appropriate funds.
4. **Resolution No. 2008-XX** accepting the Crows Landing Well Drilling Project as complete, approving the Contract Change Order, authorizing the filing of the Notice of Completion and amending the FY 2008/09 Budget to appropriate funds. **Pulled per staff request.**
5. Set Public Hearing Date of August 11, 2008 to consider a proposal to change the General Plan Land Use Designation from Community (CC) and Low Density Residential (LDR) to High Density Residential (HDR) and a zoning to change the zoning designation from Community Commercial (C-2) and Single Family Residential (R-1) to Medium-High Density Multiple Family Residential (R-4) to allow for the development of a 48-Unit apartment complex located at 1448 E. Whitmore Avenue. **Pulled for further discussion.**
6. **Resolution No. 2008-90** ordering the levy and collection of special taxes within Community Facilities District No. 1 within the City of Ceres. **Pulled for further discussion.**
7. **Resolution No. 2008-91** ordering the levy and collection of special taxes within Community Facilities District No. 2 within the City of Ceres. **Pulled for further discussion.**
8. **Resolution No. 2008-92** ordering the levy and collection of special taxes within Community Facilities District No. 3 within the City of Ceres. **Pulled for further discussion.**
9. **Resolution No. 2008-93** authorizing the destruction of certain grant records
10. **Resolution No. 2008-94** approving a Professional Services Contract with Water Solutions Inc., to perform Professional Consulting Services relating to water quality, treatment, and production.
11. **Resolution No. 2008-95** determining to undertake proceedings for setting assessments for the 2008-09 FY for the 1987 LLD Pursuant to the Landscaping and Lighting Act of 1972 and granting preliminary approval of Engineer's Report and **Resolution No. 2008-96** declaring intention to establish assessments for FY beginning July 1, 2008 for the 1987 LLD and appointing a time and place for a public hearing for hearing protests in relation thereto.

12. Council approval of Change Order No. 2 for the Ceres Community Center. **Pulled for further discussion.**

13. **Resolution No. 2008-97** amending the agreement with JES Engineering, Inc. for Engineering Services and amending the FY 2008/09 Budget to appropriate funds.

MOTION: Approve Consent Calendar Items No. 1a-d, 2, 3, 9, 10, 11, 13 as recommended by staff.

MOVED: Moved by Lane/seconded by Vierra

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

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

5. Set Public Hearing Date of August 11, 2008 to consider a proposal to change the General Plan Land Use Designation from Community (CC) and Low Density Residential (LDR) to High Density Residential (HDR) and a rezoning to change the zoning designation from Community Commercial (C-2) and Single Family Residential (R-1) to Medium-High Density Multiple Family Residential (R-4) to allow for the development of a 48-Unit apartment complex located at 1448 E. Whitmore Avenue. **Pulled for further discussion.**

Steve Breckenridge, resident, asked who the Applicant was for the project.

Brad Kilger, City Manager, responded that the Applicant was TK Development, Rancho Marrietta.

6. **Resolution No. 2008-90** ordering the levy and collection of special taxes within Community Facilities District No. 1 within the City of Ceres. **Pulled for further discussion.**

7. **Resolution No. 2008-91** ordering the levy and collection of special taxes within Community Facilities District No. 2 within the City of Ceres. **Pulled for further discussion.**

8. **Resolution No. 2008-92** ordering the levy and collection of special taxes within Community Facilities District No. 3 within the City of Ceres. **Pulled for further discussion.**

Mr. Breckenridge, asked when the property owners approved these taxes.

Mayor Cannella responded that this is a Community Facilities District, so prior to the recording of the final map, the City held an election and the property owners voted on the tax.

12. Council approval of Change Order No. 2 for the Ceres Community Center.

Mr. Breckenridge asked if the City is liable for additional items that were not due to any action of the City's.

Ken Craig, Community Development Director, responded that the City tracks all Change Order items. At the end of the project, City staff enter into discussions and negotiations with the architect and/or engineer and present to them what we believe are costs that the City incurred as a result of their errors and omissions.

**MOTION:** Approve Consent Calendar Items 5, 6, 7, 8 and 12 as recommended by staff.

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

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

**UNFINISHED BUSINESS** - None

**PUBLIC HEARING**

14. Public Hearing to consider **Resolution No. 2008-98** adopting a Negative Declaration for a Zoning Ordinance Text Amendment to certain Sections of Title 18, of the Ceres Municipal Code to regulate the keeping of non-hook bill birds (e.g. pigeons) in the City's residential zone districts and approving **Ordinance No. 2008-986** Zoning Ordinance Text Amendment to certain Sections of Title 18, of the Ceres Municipal Code to regulate the keeping of non-hook bill birds in the City's residential zone districts. **First Reading and Introduction.**

Barry Siebe, Planning Manager, introduced the item stating that during 2007 the City received several complaints with respect to non-hook bill birds that are being kept on certain residential properties within the City. Staff evaluated the circumstances that had led to these complaints and presented the issue to the City Council at its August 16, 2007 Study Session. The City Council determined that a revision of the Zoning Ordinance was in fact needed to address the issues regarding non-hook bill birds and directed staff to initiate an ordinance amendment.

The Ordinance amendment addresses among other things, noise, odor and sanitary conditions.

7:52 p.m. the Public Hearing was opened.

- Leonard Shepherd, resident, spoke in opposition to the Zoning Ordinance Text Amendment.
- Steve Breckenridge, resident, suggested that Council consider modifying the ordinance with regard to the City's ability to enter private property and the signature requirements for the Applicant.

8:02 p.m. there being no one else wish to speak, the Public Hearing was closed.

**MOTION:** **Resolution No. 2008-98** adopting a Negative Declaration for a Zoning Ordinance Text Amendment to certain Sections of Title 18, of the Ceres Municipal Code to regulate the keeping of non-hook bill birds (e.g. pigeons) in the City's residential zone districts.

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

**VOTE:** Motion passed with Cannella and Durossette voting No. (3/2)

**MOTION:** Instruct the Clerk to read **Ordinance No. 2007-986** by Title and Number only.

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

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

Mayor Cannella directed the City Clerk to read **Ordinance 2007-986** by number and title only.

**MOTION:** Approve for first reading and introduction **Ordinance No. 2008-986** Zoning Ordinance Text Amendment to certain Sections of Title 18, of the Ceres Municipal Code to regulate the keeping of non-hook bill birds in the City's residential zone districts with the following modification: *Section 18.12.080(N) ((a)) add text "requires written consent of his/her immediate neighbors" and Section 18.12.080(N) (d) Right of Entry: add text "as permitted by State and Federal Law"*

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

**VOTE:** **Motion passed with Cannella and Durossette voting No. (3/2)**

## **NEW BUSINESS**

15. City Council designation of a voting delegate and alternate(s) to represent the City of Ceres at the Annual League of California Cities Conference, September 24 – 27, 2008.

Brad Kilger, City Manager, gave a brief overview of the staff report explaining that that the League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities. The League has eight standing policy committees which make recommendations to the Board of Directors on legislation, new policy guidelines and key issues impacting cities. The City currently has two elected officials sitting on policy committees.

**MOTION:** Appoint Councilmember Ken Lane as the voting delegate at the League of California Cities Annual Conference, September 24 – 27, 2008.

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

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

**MOTION:** Appoint Vice Mayor Vierra as the alternate voting delegate at the League of California Cities Annual Conference, September 24 – 27, 2008.

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

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

16. **Ordinance No. 2008-987** amending Chapters 19.08 and 19.40 and adding new Chapter 19.11 to the Ceres Municipal Code to establish procedures for the recovery of Administrative Code Enforcement Civil Fines, Penalties and Administrative Costs. **First Reading and Introduction.**

Mike Lyons, City Attorney, presented the item to the Council. Mr. Lyons stated that the proposed ordinance amendments will allow the City to record nuisance abatement liens to the tax rolls. The amendment will not change the current fine process only the means of collection.

Steve Breckenridge, resident, spoke in opposition of the Ordinance amendments.

**MOTION:** Waive full reading and have **Ordinance No. 2007-987** read by title and number only.

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

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

Mayor Cannella directed the City Clerk to read **Ordinance 2007-987** by number and title only.

**MOTION:** Approve **Ordinance No. 2007-987** amending Chapters 19.08 and 19.40 and adding new Chapter 19.11 to the Ceres Municipal Code to establish procedures for the recovery of Administrative Code Enforcement Civil Fines, Penalties and Administrative Costs.

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

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

8:35 p.m. Mayor Cannella adjourned the City Council Meeting to the Redevelopment Agency Meeting.

8:41 p.m. Mayor Cannella reconvened the City Council Meeting.

### **COUNCILMEMBER REFERRALS**

Councilmember Ochoa requested a future study session item: Efficiency of the City's Vehicle Fleet.

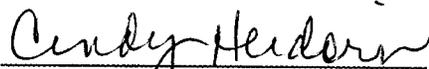
### **REPORTS**

City Council and Staff reported on various activities including Concerts in the Park, the new Street Crimes Unit and a Fire Fighter Swearing-In on July 28, 2008.

There being no further business, Mayor Cannella adjourned the meeting at 8:47 p.m. to the Community Blue Print Meeting to be held on July 16, 2008, at 6:30 p.m. in the City Council Chambers, 2210 Magnolia Street.



Anthony Cannella, Mayor

  
Cindy Heidorn, CMC, City Clerk