

## CITY COUNCIL MINUTES

January 12, 2009

Mayor Cannella called the January 12, 2009 City Council 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.

**APPROVAL OF THE MINUTES** of the City Council Meetings of November 26, December 8 and December 18, 2008 and the Study Sessions of December 8 and December 18, 2008.

**MOTION:** Approve the minutes of the City Council Meetings of November 26, as recommended by staff

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

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

**MOTION:** Approve the minutes of the City Council Meetings of December 8, 2008, as recommended by staff

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

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

**MOTION:** Approve the minutes of the City Council Meetings of December 18, 2008, as recommended by staff

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

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

**MOTION:** Approve the minutes of the City Council Study Session of December 8, 2008, as recommended by staff

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

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

**MOTION:** Approve the minutes of the City Council Study Session of December 18, 2008, as recommended by staff

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

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

### CITIZEN COMMUNICATIONS

- Len Shepherd, resident, does not support the annexation of any additional property into the City until we have the infrastructure in place to support it.
- Dirk Wyatt, resident, requested that Council consider passing an Ordinance which would impose more strenuous laws on landlords.

**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**

A. Council concurrence of Mayor Cannella's recommendation to appoint Vice Mayor Vierra to the Special City Selection Committee of the San Joaquin Valley Air Pollution Control District.

MOTION: Council concurrence of Mayor Cannella's recommendation to appoint Vice Mayor Vierra to the Special City Selection Committee of the San Joaquin Valley Air Pollution Control District.

MOVED: Moved by Lane/seconded by Durossette

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

B. Council concurrence of Mayor Cannella's recommendation to reappoint Gary Del Nero and Robert Kachel to the Ceres Planning Commission for a four-year term to expire December 31, 2012.

MOTION: Council concurrence of Mayor Cannella's recommendation to reappoint Gary Del Nero and Robert Kachel to the Ceres Planning Commission for a four-year term to expire December 31, 2012

MOVED: Moved by Lane/seconded by Vierra

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

**CONFLICT OF INTEREST DECLARATION - None**

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Administrative Services Department Monthly Report for November, 2008.
  - b. Public Works monthly report for November, 2008.
  - c. Engineering Monthly Report for December, 2008.
  - d. Building Division Monthly Report for December, 2008.
2. Register of Audited Demands for period covering December 5 – 18, 2008.
3. **Resolution No. 2009-01** accepting the Lagoon Cleaning Project as complete, approving the Balancing Contract Change Orders, Authorizing the Filing of the Notice of Completion and Retention Release to the Contractor.
4. Waiver of Second Reading and adoption of **Ordinance No. 2008-990** adopting a prezone to PC, Planned Community for three parcels that total 57.89 +/- acres at 3831 and 3967 Hatch Road. Application Number 08-16 Prezone, Dirk Wyatt, Applicant.

- 5. **Resolution No. 2009-02** awarding the design of software and CCTV camera upgrades for Whitmore Avenue, Hatch Road and Mitchell Road, approving a budget amendment, and authorizing the City Manager to execute a contract. **Pulled for further discussion.**
- 6. **Resolution No. 2009-03** declaring certain property within the City's possession as surplus or unclaimed; and ordering its sale, acquisition, or distribution for the common benefit of the City. **Pulled for further discussion.**

MOTION: Approve Consent Calendar Items No. 1a – d, 2 - 4 as recommended by staff

MOVED: Moved by Vierra/seconded by Lane

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

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

- 5. **Resolution No. 2009-02** awarding the design of software and CCTV camera upgrades for Whitmore Avenue, Hatch Road and Mitchell Road, approving a budget amendment, and authorizing the City Manager to execute a contract.

Mayor Cannella asked if staff felt confident that the Consultant fully understands the job, understands the information that is available and has made no assumptions. Council does not want any ambiguity so there can be no requests for additional funds the Consultant made assumptions that were not correct.

Mike Brinton, City Engineer, confirmed that the Consultant has a clear understanding of the information available.

MOTION: Approve **Resolution No. 2009-02** awarding the design of software and CCTV camera upgrades for Whitmore Avenue, Hatch Road and Mitchell Road, approving a budget amendment, and authorizing the City Manager to execute a contract.

MOVED: Moved by Vierra/seconded by Lane

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

- 6. **Resolution No. 2009-03** declaring certain property within the City's possession as surplus or unclaimed; and ordering its sale, acquisition, or distribution for the common benefit of the City.

MOTION: **Resolution No. 2009-03** declaring certain property within the City's possession as surplus or unclaimed; and ordering its sale, acquisition, or distribution for the common benefit of the City.

MOVED: Moved by Vierra/seconded by Lane

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

### PUBLIC HEARING

- 7. Public Hearing to consider approving **Ordinance No. 2009-991** designating the Clinton Whitmore Mansion, located at 2732 5<sup>th</sup> Street, Ceres, California, as a historic landmark. **First Reading and Introduction** (B. Briggs)

Bryan Briggs, Economic Development/Redevelopment Manager, introduced the item. The main residential structure built located at 2732 5<sup>th</sup> Street is commonly referred to as the Clinton Whitmore Mansion. Clinton Whitmore was the son of Daniel Whitmore, the founding father of Ceres, and built this residential structure in 1903 where he resided until his death in 1912. The mansion remained in the Whitmore family until 2005 when Cary and Nancy Pope of Riverbank, purchased the property.

As required by local Municipal Code Section 18.60.70(A) and (B), Redevelopment Agency staff made an application to the Ceres Planning Commission for designation of the Clinton Whitmore Mansion as a historic landmark. The Planning Commission made its preliminary determination that the mansion should be considered for designation as a historic landmark and set the matter for public hearing at its meeting of December 15, 2008. At said public hearing the Planning Commission passed a Resolution recommending that the City Council adopt an ordinance designating the Clinton Whitmore Mansion as a historic landmark.

The primary benefit to the City of designating the Clinton Whitmore property as a historic landmark under the City of Ceres Municipal Ordinance is that the City will have the ability to protect its historical and cultural resources for future generations to enjoy. As part of this benefit, the City would be able to note the Mansion as a key focal point in all future downtown redevelopment and economic development efforts. To that end, having an upscale event venue in the pedestrian area of downtown bridges an essential gap towards attracting other uses that help create a sustainable downtown experience.

Under the City's Municipal Ordinance by designating this structure a historical landmark, the owner would then be required to obtain a permit prior to demolishing or altering the structure in any way. If the owner chooses to ignore the ordinance requirements the City has at its disposal all of the remedies normally associated with Municipal Ordinance violations.

7:17 p.m. The Public Hearing was opened

Those speaking in support of the Historical Landmark designation:

- Len Shepherd, resident

7:19 p.m. There being no one else wishing to speak, the Public Hearing was closed.

**MOTION:** Waive full reading and have **Ordinance No. 2007-991** read by title and number only.

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

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

Cindy Heidorn, City Clerk, read Ordinance No. 2007-991 by title and number only.

**MOTION:** Approve **Ordinance No. 2008-991 Ordinance No. 2009-991** designating the Clinton Whitmore Mansion, located at 2732 5<sup>th</sup> Street, Ceres, California, as a historic landmark.  
**First Reading and Introduction**

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

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

**NEW BUSINESS****8. Resolution No. 2009-** authorizing staff to issue Requests For Proposals for preparation of Water and Sewer Master Plans.

Ken Craig, Community Development Director, introduced the item. The rate studies for the water and sewer fees have recently been completed and the rate adoption process following Proposition 218 guidelines is currently underway. The existing master plans are outdated and need to reflect current conditions and anticipated development for the years to come. These master plans will also include a Capital Improvement Plan (CIP) which will be used to strengthen the systems and provide capacity for future development.

While Council feels a Water and Sewer Master Plan is an important planning tool and necessary, they did not feel that staff had enough information to move forward at this time. Council requested specific answers to the following issues:

- Why we need the Water and Sewer Master Plans now?
- What did we achieve when we spent the money initially with West Yost and ECO:Logic to do Water Rate and Sewer Rate Studies?
- What is left to be done from the State that will be accomplished through the Master Plans?
- Why we should ignore what we are doing with the City of Modesto as far as regionalization of our sewer systems?
- How is this Master Plan crucial even with the regionalization moving forward?
- Where is the money going to come from?
- What is the Management structure for the project?
- How are we going to provide the information to the Consultant?
- Is the update to the water model included in the Master Plan and will staff be trained to update the water model in the future?
- Has the water model been calibrated to surface water delivery or wells?

Council also directed staff to incorporate the following into the RFP:

- Cost should be part of the grading structure.
- As part of the Scoring Structure % of local consultants as part of the team.
- Require that all drawings be provided in Auto CAD format and that the City will own the drawings provided.

**MOTION:** Continue Item 8 to the Council Meeting of February 9, 2009.

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

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

**COUNCILMEMBER REFERRALS**

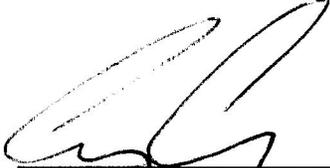
- Councilmember Ochoa requested an update on the status of the Ordinance regarding Patio Covers.

Staff responded that a draft has been developed and staff should be in a position to bring it to Council in the next couple of months.

- Mayor Cannella requested that an Ad Hoc Committee to review the City's Budget be formed. He appointed Vice Mayor Vierra and Councilmember Lane to serve on the Ad Hoc Committee.

**REPORTS – None.**

8:00 p.m. The City Council Adjourned to the meeting of the Ceres Redevelopment Agency.



---

Anthony Cannella, Mayor



---

Cindy Heidorn, CMC, City Clerk