

CITY COUNCIL MINUTES

November 8, 2010

Mayor Cannella called the November 8, 2010 City Council meeting to order at 7:00 p.m. with the following in attendance:

ROLL CALL Councilmembers Durossette, Lane, Ochoa, Vierra, Mayor Cannella

INVOCATION by Pastor Mark Whitehead, Victory Assembly of God.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Cannella.

PRESENTATIONS

A. Stanislaus County Library Annual Report for FY2009/10, Vanessa Czopek, County Librarian.

Ms. Czopek presented the Stanislaus County Library Annual Report to Council highlighting the increase in annual usage at all branches and the benefits of new and existing programs.

APPROVAL OF THE MINUTES of the regular meeting of September 27, 2010. (all present)

MOTION: Approve the minutes of the regular meeting of September 27, 2010.

MOVED: Moved by Lane/seconded by Durossette

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

APPROVAL OF THE MINUTES of the regular meeting of October 11, 2010. (Vice Mayor Lane excused)

MOTION: Approve the minutes of the regular meeting of October 11, 2010.

MOVED: Moved by Ochoa/seconded by Durossette

VOTE: **Motion passed with Vice Mayor Lane Excused (4/0)**

CITIZEN COMMUNICATIONS

- Jim Burgermasghi, resident, addressed Council to thank Mayor Cannella and City Manager Kilger for their years of service on the Council.

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

Councilmember Ochoa requested the following Item be added to the agenda:

A Request from the Tuolumne River Trust that we draft a letter in support of the Removal of The Dennett Dam Project to accompany their grant application.

City Attorney, Mike Lyons, stated that it is necessary for the Council to make certain findings in order to add an item to the agenda after it has been posted. Those findings are:

Item 1: The matter came to the attention of the Council after the posting of the agenda

Item 2: There is an immediate need to take action.

With respect to item 1: This item came to Councilmember Ochoa's attention via e-mail on November 5,

2010. The Agenda was posted on November 3, 2010.

With respect to Item 2: The e-mail indicates that the Tuolumne River Trust would like to have this letter not later than November 15, 2010 which is prior to the next City Council meeting.

MOTION: Make the appropriate findings and amend the agenda to add the addition of the letter of support for the Dennett Dam Removal Project and Approve the Agenda and Amended and Certification of Posting.

MOVED: Moved by Ochoa/seconded by Vierra

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

New Item will be added as Item No. 7 on the Agenda.

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION – Councilmember Vierra declared a conflict with Item No. 3 stating that Stantec Consulting Services Inc. is his employer.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. IT Department Monthly Report for September, 2010.
 - b. Major Project List Updates.
2. Register of Audited Demands for period covering October 22 – 29, 2010.
3. **Resolution No. 2010-133** authorizing assignment of existing contracts with EcoLogic Engineering Inc., to Stantec Consulting Services Inc. REMOVED FOR CONFLICT OF INTEREST.
4. **Resolution No. 2010-134** awarding the bid to purchase a Valve Turning machine from E.H. Wachs Co. for the Public Works Department, Water Division.
5. **Resolution No. 2010-135** approving a contract amendment with TJKM to increase the scope of design services for the Service/Blaker Traffic Signal to allow realignment of the intersection.

MOTION: Approve Consent Calendar Items 1a, 1b, 2, 4, 5 as recommended by staff.

MOVED: Moved by Durossette/seconded by Lane

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. **Resolution 2010-133** authorizing assignment of existing contracts with EcoLogic Engineering Inc., to Stantec Consulting Services, Inc.

MOTION: Approve Resolution 2010-133 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

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

UNFINISHED BUSINESS – None.

PUBLIC HEARING

6. Public Hearing to consider a proposal that involves seven parcels and requires the approval of an Annexation (10-01 Annex), a General Plan Amendment (10-02 GPA), and Prezone (10-03 PZ). An Architectural and Site Plan Approval (10-04 ASPA) was previously approved by the Planning Commission and affects two of the seven parcels for the development of a 16,813 square foot commercial building for retail use and a drive-thru pharmacy at the northwest corner of Hatch Road and Central Avenue. (T. Westbrook)
 - a) Adopt **Resolution No. 2010-XXX** approving the Mitigated Negative Declaration for the project.
 - b) Adopt **Resolution No. 2010-XXX** approving the Annexation (10-01 ANNEX) of and detachment from the Industrial Fire Protection District of seven parcels into the City that total 9.6 acres (APN's 039-024-010, -011, -012, -013, -019, -024, and -025).
 - c) Adopt **Resolution No. 2010-XXX** approving the General Plan Amendment (10-02 GPA) Involving two parcels to change the general plan land use designation from Low Density Residential (LDR) to Neighborhood Commercial (NC) for two of the seven parcels that total 1.74 acres with the remaining parcels retaining a Low Density Residential (LDR) designation.
 - d) Approve **Ordinance No. 2010-XXX** approving the Prezone (10-03 PZ) involving seven parcels to change the zone designation from Prezone-Single Family Residential (P, R-1) to Neighborhood Commercial (C-1) for two of the seven parcels that total 1.74 acres with the remaining parcels retaining a Single-Family Residential (R-1) designation. **First Reading and Introduction.**

Tom Westbrook, Planning Manager, presented the project report stating that the overall project area involves seven parcels that total 9.6 +/- acres are located at the northwest corner of Hatch Road and Central Avenue. Five of the seven parcels are situated along Central Avenue and have single-family homes and the two remaining parcels are positioned 300 feet west of Central Avenue are operated by Stanislaus County Office of Education.

The applicant is requesting approval to develop a 16,813 square foot commercial building for retail use and a drive-thru pharmacy proposed at the northwest corner of Hatch Road and Central Avenue which involves two of the seven parcels within the annexation area.

The seven parcels are currently designated LDR, Low Density Residential in the General Plan and do not have a City zoning designation. With the approval of the project entitlements, the two parcels involved in construction of the drive-thru pharmacy store are proposed to have a General Plan designation of NC, Neighborhood Commercial with a prezone designation of (C-1) Neighborhood Commercial and the General Plan designation for the remainder of the parcels involved in the annexation will remain LDR, Low Density Residential with a prezone designation of (R-1) Single Family Residential.

Should the Project move forward, LAFCO would need to approve the annexation. If that happens, CVS would be able to develop at the corner. One of the things they will be doing at that corner as part of the project is undergrounding the TID canal.

The architectural and site plan was approved by a 4-1 vote by the Planning Commission. They made recommendations to annex and to pre-zone by that same vote. The City Council must approve those before we can prepare the necessary applications and submit them to LAFCO.

7:35 p.m. Mayor Cannella opened the Public Hearing

APPLICANT: Brian Heron, Prudential Commercial Real Estate representing the ownership for the project, SS&W investments. Mr. Heron introduced the team and thanked Council for their consideration of the matter.

APPLICANT: Josh Eisenhut, representing Armstrong Development, thanked staff for the many hours of work on the project and asked Council if they had any questions.

Council had no questions of the Applicant at this time.

The following residents spoke in opposition of the project:

- Tom Burke
- David Mendoza
- Percy Martinez
- Mary Martinez
- Albert Avila
- Doug Belyu

Of major concern was traffic congestion and the safety conditions at the intersection of Central and Hatch. The general feeling was that the traffic study is not accurate as it was done when Ceres Unified School District was not in session. Speakers stated that the intersection is heavily congested and any additional traffic will over-burden the intersection making it unsafe for motorist and pedestrians. Drainage on Central is very poor and water pools in the street when it rains. Mr. Mendoza and Mr. Burke requested curb, gutter and sidewalk on both sides of Central Avenue to help mitigate the standing water and the number of cars that turn around in their driveways located on the east side of Central.

Josh Eisenhut, representing Armstrong Development, responded to the comments stating that the design of the project was based off of the recommendations set forth in the traffic study so he would have to defer to staff or the traffic engineer that conducted the study if other recommendations are warranted. The issues with drainage on the east side of Central are outside of their scope of work however, it should be pointed out that the proposed CVS Pharmacy will not add to those issues. All drainage will be contained on-site. Pursuant to the safety concerns regarding pedestrians, Mr. Eisenhut stated that as part of the Conditions of Approval, they will be installing curb, gutter and sidewalk, not only in front of the CVS Pharmacy development but also along the three parcels to the north of the project on the west side of Central. The hope would be to encourage pedestrians to use that side of the street as a safe path to travel.

8:12 p.m. There being no one else wishing to speak, Mayor Cannella closed the Public Hearing

Council voiced the following concerns and requested additional information on the following issues:

- New traffic study taken while Ceres Unified School District schools are in session.
- How many deliveries per day are expected and where will the delivery trucks be turning?
- What are the plans for the building currently being used for the CVS pharmacy?
- This is a request to Re-zone residential property to commercial property. Don't we have enough existing commercial land available for use?
- Trash enclosure on the plan is in the line-of-site of the entrance. It should be moved to a different location.

Council asked the Applicant if they would like the item referred back to the Planning Commission for further study or if they would like Council to take action on it this evening.

APPLICANT: Brian Heron, responded that the Development Team would be interested in returning to the Planning Commission to resolve the issues.

MOTION: Refer the item back to the Planning Commission and continue the Public Hearing until after reconsideration by Planning Commission

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed Unanimously (5/0)

8:35 p.m. Councilmember Ochoa was excused.

NEW BUSINESS – None.

7. Authorize staff to send letter of support for Dennett Dam Removal Project. (G. Ochoa)

MOTION: Authorize staff to send letter of support for the Dennett Dam Removal Project.

MOVED: Moved by Durossette/seconded by Vierra

VOTE: Motion passed with Councilmember Ochoa Excused (4/0)

8:35 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

8:41 p.m. RECONVENE AS CITY COUNCIL

COUNCILMEMBER REFERRALS - None.

REPORTS

Mayor Cannella commented that if the votes keep trending the way they have been this would be his last Council meeting. He will be vacating his office as Mayor and going to the State Senate. He has enjoyed his time serving in Ceres and we have been able to accomplish much, mostly through a great staff and a great City Council. It is a bittersweet moment, while excited to go to the State Senate, he loves the City of Ceres.

Vice Mayor Lane stated that we are very proud of Mayor Cannella's accomplishments and announced a farewell reception for Mayor Cannella and City Manager Kilger on November 19, 2010, in the Large Assembly, the public is invited.

Councilmember Vierra congratulated Senator Elect Cannella and stated that we are fortunate to have a voice in Sacramento. He reflected on the accomplishments we have achieved in the past few years in Ceres.

Councilmember Durossette also congratulated Mayor Cannella and stated that his leadership will be missed and wished him all the best. He further congratulated Brad on his new endeavors.

Mr. Kilger congratulated Mayor Cannella on his election and the integrity of his campaign. He further thanked the Council, staff and citizens of Ceres for the last few years and what we have been able to achieve with so few resources.

CANCELLATION OF MEETING OF NOVEMBER 22, 2010

MOTION: Cancellation of the November 22, 2010 City Council Meeting.

MOVED: Moved by Lane/seconded by Vierra

VOTE: Motion passed with Councilmember Ochoa Excused (4/0)

Mike Lyons, reported out on a Special Closed Session Meeting which was held on November 4, 2010. At that Closed Session, City Council appointed Chief Art de Werk as Acting City Manager which will be effective upon Mr. Kilger departure on December 3, 2010. He further congratulated Mayor Cannella on his accomplishments.

There being no further business, Mayor Cannella adjourned the meeting at 8:51 p.m.

Ken Lane, Vice Mayor

Cindy Heidorn, CMC, City Clerk