

CITY COUNCIL MINUTES

January 24, 2011

Mayor Vierra called the January 24, 2011 City Council Meeting to order at 7:00 p.m. with the following in attendance:

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

INVOCATION by Mike Brinton, City of Ceres

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

CITIZEN COMMUNICATIONS

Mirl Morris, representing the residents of Christmas Tree Lane, stated that they were disturbed because there were several street vendors selling items on the sidewalk in front of the homes on Christmas Tree Lane during the month of December and asked Council to take action to prohibit such activity.

Mayor Vierra requested staff to schedule a discussion on the topic for a future Study Session.

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

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

MOVED: Moved by Durossette/seconded by Lane

VOTE: **Motion passed Unanimously (4/0)**

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION –None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Monthly Report for December 2010.
 - b. Building Division Monthly Report for December 2010.
 - c. Citizen Relationship Management System Update.
 - d. Clean Sweep Environmental First Quarter Performance Review.
 - e. Update on Water Meter Installation Project.
2. Register of Audited Demands for period covering December 27, 2010–January 10, 2011.
3. Waive second reading and adopt **Ordinance No. 2011-999** approving various Zoning Code Map and text amendments (10-13RZ).
4. **Resolution No. 2011-06** authorizing named City Officials to deposit or withdraw money from the Local Agency Investment Fund (LAIF).
5. Open the Community Development Block Grant (CDBG) FY 2011/12 Annual Action Plan Public Review/Comment Period and set Public Hearing date of February 14, 2011 for the purpose of approving the CDBG Annual Action Plan for FY 2011/12.

6. **Resolution No. 2011-07** awarding the construction contract for the Kinser Road Storm Drain Lift Station project to Haskell & Haskell Engineering & Construction Services, in the amount of \$79,719.00, authorizing a 10% contingency and authorizing the Acting City Manager to execute the contract.
7. **Resolution No. 2011- 08** awarding a contract to Howk Systems for the Well 23 (Hatch & Moffett) Rehabilitation Project for the sum of \$76,350.00 plus a 10% contingency.
8. **Resolution No. 2011-09** awarding the construction contract for the Blaker Road and Service Road Traffic Signal Project (Proposition 1B) to Collins Electrical Company, Inc. for their low bid of \$255,887.00, authorizing a \$39,813.00 contingency, and authorizing the Acting City Manager to execute the Contract.
9. **Resolution No 2011-10** authorizing the executing of right-of-way certifications for Federal and/or State funded projects.
10. **Resolution No. 2011-11** accepting the American Recovery and Reinvestment Act (ARRA) of 2009 Project as complete, approving the Balancing Contract Change Order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor.

MOTION: Approval Consent Calendar Items 1a-e and 2-10 as recommended by staff.

MOVED: Moved by Lane/seconded by Ochoa

VOTE: Motion passed Unanimously (4/0)

UNFINISHED BUSINESS - None

PUBLIC HEARING

11. Public Hearing to reconsider a previously approved proposal by the Planning Commission for the development of a 16,813 square foot commercial building with a drive-thru pharmacy at the northwest corner of Hatch Road and Central Avenue. The proposal requires the approval of an Annexation (10-01 Annex), a General Plan Amendment (10-02 GPA), Prezone (10-03 PZ) and an Architectural and Site Plan Approval (10-04 ASPA)

Resolution No. 2011-XXX adopting the Mitigated Negative Declaration for the project.

Resolution No. 2011-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 039-021-010,-011,-012,-013,-019,-034,-025).

Resolution No. 2011-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.

Ordinance No. 2011-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, Senior Planner, provided an overview for Council stating that at the November 8, 2010 City Council meeting, Council considered the development proposal for 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. At that meeting, Council raised the following concerns:

- a) A dedicated right-turn lane needs to be added to southbound Central Avenue to improve existing traffic at the Hatch Road and Central Avenue intersection.
- b) The traffic study needs to be revised to include counts when private schools and Ceres Unified School District schools are in session.
- c) The access to the project site from the Hatch Road driveway entrance should be limited to right in, right out only and left-in access should not be allowed.
- d) Council is concerned about what economic impact may arise from vacating the store at Hatch and Richland and moving to a new location one existing business.
- e) The trash enclosure should be relocated to an area of the site so as not to be as visible from Central Avenue.

The City Council with the applicant's concurrence, continued the item to allow the Planning Commission to reconsider the project by first reviewing the aforementioned issues and make recommendation on those terms, and upon completion of their review, the item would then be heard again by the City Council.

The applicant revised the project site plans and the Planning Commission made the following recommendations:

- a) A 70-foot long right turn travel lane has been provided along Central Avenue.
- b) The traffic study was amended to include additional traffic counts taken when all schools were in session on November 30, 2010. Counts were taken between the hours of 7:00 a.m. and 9:00 a.m. with the peak hour being 7:30 a.m. – 8:30 a.m.
- c) The Planning Commission agreed with Staff to allow right-in/right-out access only.
- d) The Planning Commission concluded that the project did not necessitate the need for additional conditions of approval to address this issue.
- e) The compactor and trash enclosure has been relocated and are less visible from the entrance.

In addition, the developer is making several other improvements including the addition of curb gutter and sidewalk on both sides of Central Avenue.

Mr. Westbrook concluded by stating that this proposal would eliminate a portion of an Island Annexation, which is support by LAFCO policies and was an effort formerly being pursued by the City. The proposed development allows for the conversion from a residential use to a commercial use which will increase the values of the property with the potential of generating additional sales tax revenues for the City. The proposal will not physically divide up the established neighborhood as the site is located within an area that includes a mix of residential and commercial development, thereby maintaining compatibility with surrounding land uses; and the project is designed to meet all development standards of the C-1 zone district to which the proposal is requesting to change.

7:20 p.m. Mayor Vierra opened the Public Hearing

Representing the Applicant

Joe Murratore –Urged Council to allow a left hand turning ability from Hatch Road and stated that it may be a deal breaker for CVS Pharmacy if this is not allowed.

Bill McDermott - Thanked staff for their work on the project. Also spoke about the benefits of a left hand turn into the project site from Hatch Rd. and presented some traffic statistics.

Those Speaking in Favor of the Project

- David Mendonsa
- Tom Brook
- Neal Wormly
- Albert Avila

Those in favor of the project felt that the project would enhance the neighborhood. They wanted to see the curb, gutter and sidewalks installed on both sides of Central Avenue, and felt that the addition of the 70 foot right hand turning pocket would greatly improve the flow of traffic at the intersection.

Those Opposed to the Project

- Linda Sherman
- Percy Martinez
- Mary Martinez
- Eldon Brewster
- Rebecca Harrington

Those opposed to the project felt that another pharmacy so close to Walgreens was not necessary. They felt that the 70 foot turning pocket was insufficient for the increased traffic that would occur at that intersection. In general, they all felt the traffic study was not accurate and that the traffic would be backed up past the entrance to both pharmacies on Central.

8:09 p.m. There being no one else wishing to speak, Mayor Vierra closed the Public Hearing.

In general, Council was split on the decision of whether or not this was a viable location for this project. There was still Council concern that, based on personal experience, the traffic study numbers were too conservative. There is heavy pedestrian traffic in the area due to the close proximity to schools and some felt that the increased traffic would cause an increased safety hazard. There was also discussion on whether a left turn should be allowed from Hatch Road. After some Council discussion, the following motion was made:

MOTION: Refer item back to the Planning Commission for Architectural Site Plan Changes to include extending the right turn lane on Central to the entrance and allowing a left turn into project from Hatch with raised median.

MOVED: Moved by Ochoa/seconded by Vierra

VOTE: Motion Failed (2/2)

MOTION: Refer item back to the Planning Commission for Architectural Site Plan Changes to include extending the right turn lane on Central to the entrance, no left turn into project from Hatch and have a new traffic study performed by a different vendor to be completed at peak hours and also while school is starting and letting out (3:00 p.m.), and address Mrs. Martinez concerns.

MOVED: Moved by Durossette/seconded by Lane

VOTE: Motion Passed Unanimously (4/0)

NEW BUSINESS – None.

8:40 p.m. ADJOURN AS CITY COUNCIL TO THE REDEVELOPMENT AGENCY MEETING

8:46 p.m. RECONVENE AS CITY COUNCIL

