

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF THE PLANNING COMMISSION**

**CITY OF CERES, CALIFORNIA
City Council Chambers, 2701 Fourth Street**

Monday, September 17, 2018 – 6:00 p.m.

Mailing Address: Planning Division, 2220 Magnolia Street, Ceres, CA 95307

Phone: (209) 538-5774

Fax: (209) 538-5675

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Works Director, (209) 538-5732. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the City Council Chambers.

CALL TO ORDER by Chairperson Smith

PLEDGE OF ALLEGIANCE to the flag led by Chairperson Smith

ROLL CALL Commissioners Condit, Del Nero, Johnson, Kachel, Chairperson Smith

CONFLICT OF INTEREST DECLARATION

CITIZEN COMMUNICATIONS to the Commission on matters not included on the agenda (5 minutes).

While the Planning Commission welcomes and encourages participation in Planning Commission meetings, adopted rules allow no more than 5 minutes (Resolution No. 2012-132) for expression of non-agenda items. Matters under the jurisdiction of the Planning Commission, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the Planning Commission from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Planning Commission. Citizens are entitled to address the Planning Commission on any agenda item subject to the 5 minute provision.

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. Clerk’s Report of Posting. The Agenda for the regular meeting of the Planning Commission of September 17, 2018 was posted on September 12, 2018.
- 2. Approval of Minutes:
 - a. September 4, 2018 (Kachel, Smith absent)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARING(S)

Public Hearings are generally required by regulation, where public comments go into the public record and the hearing is governed by rules concerning who speaks when and for how long and is overseen by a hearing official.

None

NEW BUSINESS

- 3. 6-Month trial period to allow Mobile Food Vehicles in the City.

CEQA STATUS:	Exempt per Section 15311, (Class11(c) Accessory Structures)
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REQUIRED ACTION:	Approval of Guidelines for Mobile Food Vehicles and Recommendation to the City Council for Implementation
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PUBLIC MEETING(S)

Public Meetings are generally not required by regulation, involve an open, informal discussion between interested parties run by a moderator where comments may or may not be placed in the public record.

None

UNFINISHED BUSINESS

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS

- Commission
- Chairperson
- City Attorney
- City Staff

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be held on Monday, October 15, 2018.

**ANY DECISION OF THE PLANNING COMMISSION CAN BE
APPEALED TO THE CITY COUNCIL**

Such an appeal of a Planning Commission action from this meeting must be filed by 5:00 p.m., September 27, 2018. Any person who challenges any of the following actions in court, may be limited to raising only those issues that they or someone else raised at the Public Hearing, or in written correspondence delivered to the City of Ceres at, or prior to, the Public Hearing. The appeal must be filed in writing with a \$630.00 filing fee.

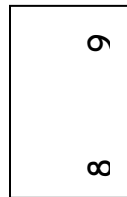
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PLANNING COMMISSION
CITY OF CERES, CALIFORNIA

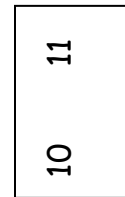
Welcome to this meeting of the Ceres Planning Commission. Your interest in the affairs of Ceres is gratifying. The City of Ceres was incorporated February 25, 1918, and is a General Law City in the County of Stanislaus of the State of California. The purposes of the Planning Commission meeting are to make decisions on various permit applications and to make recommendations to the City Council on matters concerning land use and future development.

The Planning Commission follows a regular order of business during its meeting. The agenda is prepared in advance by the Planning Division of the City Manager's Office. Copies of the agenda are available at the counter of the Planning Division from Friday morning through 5:00 p.m., Monday. After 5:00 p.m., copies may be obtained in the Council Chambers at the Planning Commission Meeting.

If you have a matter to bring before the Planning Commission which is not listed on the agenda, you may be heard under *CITIZEN COMMUNICATION*. Please step forward to the podium and give your name and address before speaking to the Commission.



- PLANNING COMMISSION**
1. Commissioner David Johnson
 2. Commissioner Gary Del Nero
 3. Commissioner Robert Kachel
 4. Chairperson Laurie Smith
 5. Vice Chairperson Couper Condit
 6. City Attorney



- STAFF**
8. Director of Engineering Services/City Engineer
Daryl Jordan
 9. Director of Community Development Tom Westbrook
 10. Senior Planner James Michaels
 11. Administrative Secretary/Deputy City Clerk
Ann Montgomery

Regular public meetings of other city government bodies are scheduled as follows:

CITY COUNCIL

Second and Fourth Mondays at 6:00 p.m.

PLANNING COMMISSION

First and Third Mondays at 6:00 p.m.

**CITY OF CERES
PLANNING COMMISSION
MEETING MINUTES**

September 4, 2018

MEETING CALLED TO ORDER: 6:01 p.m.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Vice-Chairperson Condit.

ROLL CALL:

PRESENT: Commissioners: Del Nero, Johnson, Vice-Chairperson Condit

ABSENT: Commissioner Kachel, Chairperson Smith

ALSO PRESENT: Director of Community Development Tom Westbrook, City Manager Toby Wells, City Attorney Vincent Vu, Senior Planner James Michaels, Administrative Secretary/Deputy City Clerk Ann Montgomery

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATIONS:

None

CONSENT CALENDAR:

1. Clerk's Report of Posting. The Agenda for the regular meeting of the Planning Commission of September 4, 2018 was posted on August 29, 2018.
2. Approval of Minutes:
 - a. August 20, 2018 (Del Nero absent)

ACTION: It was moved by Commissioner Johnson; seconded by Commissioner Del Nero to approve Item 1 on the Consent Calendar. Motion passed by the following vote:

AYES: Commissioners Del Nero, Johnson, Vice-Chairperson Condit

NOES: None

ABSENT: Commissioner Kachel, Chairperson Smith

2. Approval of Minutes:

- a. August 20, 2018 (Del Nero absent)

ACTION: It was moved by Commissioner Johnson; seconded by Vice-Chairperson Condit to approve Item 2.a. on the Consent Calendar. Motion passed by the following vote:

AYES: Commissioner Johnson, Vice-Chairperson Condit
NOES: None
ABSENT: Commissioner Kachel, Chairperson Smith
ABSTAIN: Commissioner Del Nero

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

PUBLIC HEARINGS:

3. Specific Plan Site Plan (SPSP) 18-05; Proposal to construct two 7,500 square foot office buildings located at 1318 & 1336 Mitchell Road; GDR Engineering, applicant.

Senior Planner, James Michaels presented the staff report.

Commissioner Del Nero asked if this is consistent with what's there already, because he believes we had some issues five or six years ago.

Director of Community Development clarified that it was about twelve years ago, and those issues were resolved. These buildings will look similar to the ones that are existing today.

The Public Hearing was opened at 6:07 p.m.

Seeing there were no comments, the Public Hearing was closed at 6:07 p.m.

Commission Discussion:

Commissioner Del Nero stated that the project looks consistent with what we had before.

Vice-Chairperson Condit remarked that it looks like a great plan, noting that the staff at GDR and the applicant did a great job. We hope we can get some businesses in there and get them filled.

ACTION: It was moved by Commissioner Johnson; seconded by Commissioner Del Nero to approve PC Resolution No. 18-19. Motion passed by the following vote:

AYES: Commissioners Del Nero, Johnson, Vice-Chairperson Condit
NOES: None
ABSENT: Commissioner Kachel, Chairperson Smith

NEW BUSINESS:

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Commissioner Del Nero explained that he wasn't in attendance at the last meeting on August 20th, due to his participation in the *Dennis Wallace Memorial Golf Tournament* at Oakdale Golf and Country Club. It's the second year of this event and there were about 175 golfers participating. All the proceeds from the tournament are used for youth and youth activities.

Director of Community Development, Tom Westbrook announced:

- Tickets are available for purchase up to this Friday, September 7th for the Chamber of Commerce's "One Table. One Community" dinner on September 15th.
- Ceres Unified School District, with the assistance of Shane Parson and Diamond Bar Arena are hosting the Imperial Knights show on September 19th. Tickets are available through the School District.

City Manager, Toby Wells announced that he is putting on his "Acting City Engineer" hat now and noted Daryl Jordan has accepted a position in Santa Cruz County, with the City of Scott's Valley. In the interim, Mr. Wells will be filling that role as City Engineer. The recruitment for that position actually started today; however, he's looking for an interim to sit in that position, so that he can get to his other interim job, as the Interim Fire Chief and supposed full time City Manager.

Mr. Wells also provided a Project Update:

- The Service and Mitchell intersection is nearly done and the paving is scheduled to start this week. He recommended that everyone stay out of that area on Mitchell because it will be messy, like it was on Friday last week. They're hoping to finish by Friday of this week; worst case, they'll be finished up on Monday.
- The construction of the Pine and Central roundabout is getting started this week as well.

ADJOURNMENT:

The Commission adjourned at 6:12 p.m. to the next regularly scheduled meeting of Monday, September 17, 2018.

APPROVED:

Couper Condit, Vice-Chairperson

ATTEST:

Tom Westbrook, Secretary

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Planning and Building Division
2220 Magnolia Street
Ceres, CA 95307
209-538-5774
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CITY COUNCIL

Chris Vierra, Mayor
Ken Lane Bret Durossette
Mike Kline Linda Ryno

**STAFF REPORT AND
RECOMMENDATION**

September 17, 2018

TO: Planning Commission

FROM: Tom Westbrook, Director of Community Development

SUBJECT: 6-Month trial period to allow Mobile Food Vehicles in the City.

APPLICATION FILED: N/A

DEEMED COMPLETE: N/A

LOCATION: Various Citywide Commercial & Industrial zoned properties

ZONING: N/A

GENERAL PLAN: N/A

SURROUNDING LAND
USES & ZONING: Various

PROPERTY OWNER: N/A

APPLICANT/
REPRESENTATIVE: N/A

PROJECT AND SITE DESCRIPTION

This six (6) month trial period would apply to citywide commercial and industrial zoned properties and may encompass multiple locations within the City. If approved, this would allow mobile food vehicles to be located in specific commercial and industrial areas to supplement an existing business within Ceres. With this trial period, mobile food vehicles will not just be permitted anywhere within the City; rather, the mobile food vehicles will only be permitted in locations where they will supplement an existing business. Blaker Brewing (located at 1063 Montclair Drive) is an example of a location where a mobile food vehicle could be considered, and food could be provided to patrons of the brewery. However, location of a mobile food vehicle outside of an auto parts store or any retail establishment that is not associated with any type of food service would not be considered. Furthermore, mobile food vehicles will not be permitted on properties that have existing restaurants.

PROPOSAL – SIX MONTH TRIAL PERIOD

Background

In spring of 2018 the City Council was lobbied under citizen's communication to allow some variation of mobile food vehicles in Ceres. As the Planning Commission may know, mobile food vehicles operating at a single location in Ceres have not been permitted for decades. The City Council directed staff to come back and present some options for allowance of mobile food vehicles.

At their meeting of August 13, 2018 the City Council was presented with some proposed guidelines for allowance of mobile food vehicles. The minutes from that City Council meeting are attached for the Planning Commission's reference. Based upon direction that the Council provided, staff has updated the guidelines, which are attached for the Planning Commission's consideration and are summarized below.

- Duration – Term allowing mobile food vehicles will be a six-month trial period.
- Types of Permit – Temporary Use Permit (TUP) may be allowed for up to 5 days. Administrative Use Permit (AUP) may be allowed for up to 180 days.
- Permitted Locations – On private property in Commercial and Industrial zoning designations. Only permitted in locations where mobile food vehicle will supplement existing business. Stand-alone mobile food vehicle on a property that does not supplement a business will not be considered or allowed. TUP's may be considered in parks, on closed roadways but are prohibited from any residentially zoned property.
- Transferability – AUP's can be issued for a single property to allow multiple mobile food vehicles. However, AUP's cannot be transferred to a new location and an AUP issued to a mobile food vehicle cannot be transferred to another mobile food vehicle.
- Aesthetics – Mobile food vehicles are permitted to operate; however, are not allowed to have tables, chairs, shade structures for people to congregate or consume purchased food.

- Hours of Operation – Same as the business which they supplement. However, no mobile food vendor shall operate between the hours of 12:00 a.m. to 7:00 a.m.
- Restroom Facilities – Shall have approval of business owner to utilize restroom facilities for employees and customers. Restroom facilities shall be within 200 feet of mobile food vehicle.
- Permission – Requires property owner’s written approval.
- Waste Collection – Shall provide trash cans with mobile food vehicle and shall have written authorization from property owner to dispose of refuse in bins/dumpsters on the property they vend from.
- Licensing – Mobile Food Vehicle shall be inspected and currently licensed by Stanislaus County Department of Environmental Health. Shall also be a licensed vehicle in the State of California and hold necessary insurance certificates.
- Business License – Mobile food vehicles that are permitted by an AUP shall have a City of Ceres Business License.
- Permit Display – Mobile food vehicles that are permitted by an AUP shall have their permit prominently displayed while operating at their approved location within the City of Ceres.

Staff Comments

Staff supports the proposed guideline based on the following:

1. It provides some allowances for the City to permit mobile food vehicles in a limited circumstance and for a defined time frame. If the six-month trial period is successful then the City may elect to permit mobile food vehicles on a permanent basis.

CEQA

The project was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be Categorically Exempt per Section 15311, (Class 11(c) – Accessory Structures).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the Guidelines related to Mobile Food Vehicles and make a recommendation to the City Council.

REQUIRED ACTION

- 1) Make the determination that this project is exempt from environmental review pursuant to CEQA Guidelines 15311, Class 11(c) (Accessory Structures).
- 2) Approval of Guidelines for Mobile Food Vehicles and recommendation to the City Council for implementation.

Attachments:

Page

5-8 DRAFT Mobile Food Vendor Guidelines

9-20 City Council Minutes – August 13, 2018

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DRAFT

Itinerant Restaurant (Mobile Food Vendor) Standard Conditions of Approval and Performance Standards for Temporary Use Permits and Administrative Use Permits – SIX MONTH TRIAL PERIOD

The differentiating factor between the Temporary Use Permit (TUP) and Administrative Use Permit (AUP) is the amount of time that each is authorized and the process by which they may be considered for approval. TUP's and AUP's for Mobile Food Vendors may be approved ministerially by the Planning Division. Time limits for Mobile Food Vendors are:

TUP – For special use events (as defined under Section 18.50.050) and not more than 5 days during the six month trial period.

AUP – In conjunction with or to supplement an existing business and not more than 180 days during the six month trial period.

Any permit issued for a Mobile Food Vendor shall be reviewed annually for a possible renewal or a revocation, and it may be reviewed on an as needed basis as determined by the City. If Conditions of Approval and Performance Standards are not being met, then either additional conditions may be imposed at the annual review, or the Permit may be terminated due to failure of compliance. In no case, shall any Mobile Food Vendor be permitted to operate that would subject the public to health and safety concerns.

An administrative use permit shall first be obtained authorizing the establishment of an itinerant restaurant vehicle in the Commercial and/or Industrial Zone Districts pursuant to Sections 18.20.040 (P-C) that have an underlying Commercial or Industrial General Plan designation), 18.24.080 (C-1), 18.26.080 (C-2), 18.30.080 (H-1), 18.32.080 (M-1), and 18.34.080 (M-2) of the Ceres Municipal Code, and to the "RC, Regional Commercial", "CC, Community Commercial", and "HC, Highway Commercial" zoning designations of the Mitchell Road Corridor Specific Plan.

Supplemental Temporary Use Permit and Administrative Use Permit Application Materials. In addition to the standard application submittal requirements, each TUP and AUP applicant shall provide the following:

- (a) Completed application, including a written description of the proposed vending activity (which would also identify the applicant's intended days and hours of the operation).
- (b) Legal names of vending business owner and/or operator.
- (c) Proof of valid business license. (AUP only)
- (d) Proof of valid health permit(s), if required by applicable law or regulation.
- (e) Photocopy of valid form of identification (i.e. driver's license) for business owner and operator.
- (f) Color photographs showing the front, sides, and rear views of the vending vehicle (i.e. mobile food truck), and of the proposed location for vending. An applicant shall provide a site plan for all proposed stationary location(s) and a map of the proposed route/area of vending.
- (g) Dimensioned sample or rendering of proposed signage.
- (h) Non-refundable application fee.
- (i) If an applicant proposes to vend from a single location for more than four consecutive hours at a time, the applicant must identify the location of an available restroom to be used by the vendor.
- (j) A letter from the property-owner approving the proposed operation.

General TUP and AUP Conditions and Performance Standards for Itinerant Restaurant Vehicles

(a) No person(s) may engage in vending in any location within the City of Ceres unless the conduct of that activity meets each of the following criteria listed below, and unless the person is operating under and by the authority of a valid TUP and AUP during the six month trial period, (Itinerant Restaurant Vehicle).

(b) The permit shall address, and the vendor shall comply with, the following items:

(1) General. The City may impose conditions on the Permit as it deems necessary for health and safety, and/or to mitigate the impact of vending on an area. This may include the imposition of additional conditions and/or stricter requirements than identified below.

(2) Health Permit. Vending of food, produce, or other edible items requires valid health or other permit(s) issued by the appropriate agency (i.e. Stanislaus County Department of Environmental Resources (DER). Said health permit(s) shall be obtained from the appropriate agency prior to the submission of a City TUP/AUP application to the Planning Department and evidence of the valid permits shall be supplied to the City with the application.

(3) Shall Not Obstruct or Create Hazards. Vendors shall not obstruct site visibility, vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.

(4) Hours of Operation. Vending shall be conducted within the hours of operation established in the Permit or be similar to the hours of operation of the business that they supplement. In no case, shall operators/vendors be allowed after the hour of 12:00 a.m. or prior to 7:00 a.m. Mobile food vehicles shall not be permitted to be parked at their approved site(s) during non-operating hours. Notwithstanding approved hours of operation, all activities are subject to the restrictions of the City's Noise Ordinance requirements.

(5) Signage. No more than one sign is allowed associated with each Permit. The sign shall not exceed ten (10) square feet and shall be affixed to the vehicle or device from which the goods or merchandise are being vended. Any signage other than what is noted here is prohibited.

(6) Number of Permits. AUP - Each property or designated space of vending shall require an AUP. If multiple designated spaces of vending are under the same ownership or management at the same property, then they may secure one AUP for vending and allow multiple operators/vendors access to that approved location; however, in no case, for the said AUP shall there be more than one operator/vendor on a property at the same time. In locations where multiple vendors are vending, they must provide proof that all provisions listed here have been met, including but not limited to, Stanislaus County Department of Environmental Resources (DER, aka: Health Department) approval and approval of a City of Ceres Business License.

TUP – Each property or designated space of vending shall require a TUP. TUP's may be granted for private property and may include multiple vendors during an event. TUP's may be issued for vendors to locate upon public property, but in those instances may require additional approvals such as street closure permits.

(7) Business License. AUP vendors shall have a valid City of Ceres business license prior to being allowed to operate.

(8) Sanitary Facilities. Operators/vendors shall have a written agreement from an existing business establishment for use of lavatory facilities by the operators/vendors and patrons within 200 feet of the vehicle's location. This requirement would apply to AUP applications. Sanitary Facilities for any TUP will be set at the time the application is filed and a permit issued.

(9) Indemnification. As a condition of issuance, the vendor/operator agrees to indemnify, hold harmless, and defend the City and its representatives against liability and/or loss arising from activities connected with and/or undertaken pursuant to the Permit. The City is not liable for any business loss, property loss, or other damage that may result from use of the Permit, or suspension or revocation of the Permit, and no vendor shall maintain any claim or action against the City, its officials, officers, employees, or agents on account of any suspension or revocation.

(10) Property Owners Approval. Permit applications must include the written approval of any property owner (in the form of a letter to the City's attention) whose property will be used for vending. Vending on private property must comply with any development conditions imposed on the private property, and all requirements of the appropriate zoning category.

(11) Other Applicable Regulations. The vendor/operator shall conform at all times with all applicable City and governmental requirements, including without limitation, the Americans with Disabilities Act, health and safety regulations, local zoning, and applicable redevelopment regulations.

(12) Term of Permit during six month trial period. The maximum Term for a TUP is 5 days during the trial period, while an AUP is less than 180 days during the trial period. At the conclusion of the trial period, the City will either determine if an extension of the trial period is warranted, or direct staff to either amend the Municipal Code to allow mobile food vendors, or terminate the program altogether.

(13) Transferability. A Permit is not transferable to any entity or person or property and is valid only as to the original applicant and at their original location. AUP applications shall state if a property is requesting approval of a mobile food vendor that may have multiple vendors utilizing a property over the course of a permit. However, in no case, for any AUP shall there be multiple mobile food operators/vendors on a property operating at the same time.

(14) Proximity to Other Items. No vending may occur within twenty (20) feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway. A greater distance or separation from other uses may be required, under the Permit, in order to preserve line-of-sight, or for other safety reasons. The vending shall not damage landscaped areas.

(15) Appearance and Storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. With the exception of approved stands, the vendor shall remove all evidence of vending and leave the site in a clean state at the close of each business day including any trash that was generated by that activity.

(16) Lighting. Vending may not occur after dark unless appropriate lighting is provided, or an exemption from this requirement is specifically granted as a part of the Permit due to the type of activity (e.g. one-time permit for itinerant vending at a special nighttime event).

(17) Parking. Prior to issuance of any Permit, the City shall confirm that an acceptable area for customer parking exists, or must specifically exempt the vendor from this requirement due to the nature and/or location of the use. Parking for the vendor shall be specified pursuant to the permit. The vendor shall not indicate exclusive roadway parking or reserve any public parking area for the vendor's customer parking. Vendors shall not park or set up their operations within designated American Disability Act (ADA) handicapped parking stalls, loading spaces, and walkways or ramps that are part of an ADA designated space or area.

(18) Location on Particular Roadways. Vending is prohibited along roadways. This requirement would apply to AUP applications. A TUP proposal could potentially allow for vending within said roadways for a special event and with necessary street closure approvals from the City.

(19) Security. Subject to review of the TUP or AUP, the City may require special security features for the mobile food vehicle or the vendor, including, but not limited to a condition that the mobile food operator/permittee shall install signage that loitering is not permitted and customers may only remain on the lot for up to 15 minutes after receiving their food. If applicable, the operator shall enforce the no-loitering rule.

(20) Number of Vendors and/or Operators. The City may limit the number of vendors at any one location or within an area, or limit the number of operators, sales persons, or others engaged in the act of vending for any one owner or permittee at the requested or approved location. Additionally, approved locations for mobile food vehicles shall not be located within 1,000 feet from another approved mobile food vehicle location. Special events authorized by a TUP are not subject to the separation requirement noted above.

(21) Design and Set-up of Vehicle for Vending. The width, length, and height of all vendor vehicles and devices shall be subject to review as a part of consideration of the Permit. The City's review shall include but not be limited to color, materials, and appearance of the vending vehicle or device; accessories (including ice chests and trash receptacles); and maneuvering necessary for set-up and takedown. Vending vehicles or devices shall be designed such that they add to the aesthetic value of the vicinity. A site plan of areas at which stationary vending will occur must be provided, and is subject to City discretionary review. The area of vending activity (excluding parking) shall be specified under the Permit and shall not generally exceed 200 square feet.

(22) Tables/Chairs/Shade Structures/Easy-Ups/Pop-Out Tents. Tables/chairs/shade structures/easy-ups/pop-out tents for use by customers shall generally be prohibited unless the vending is occurring in an area that is already specifically designed for such purpose, such as a plaza, park, or other public open space area with adequate restroom facilities, or if specifically required as a part of the Health Department conditions.

(23) Trash Receptacles. Operators/vendors shall have a written agreement with property owner(s)/business owner(s) of existing business establishment(s) to allow for the use of their existing trash receptacle(s)/enclosure(s).

(24) Permit Display. Vendor permits and business licenses must be prominently displayed on the vehicle or device for vending, or if stationary, at the location of vending.



MINUTES
CITY COUNCIL REGULAR MEETING
CITY OF CERES, CALIFORNIA
City Council Chambers, 2701 Fourth Street

Monday, August 13, 2018 – 6:00 p.m.

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292
Phone: (209) 538-5700 Fax: (209) 538-5780

Members of the public are advised that all cellular telephones and any other communication devices are to be turned off upon entering the City Council Chambers.

CALL TO ORDER

Mayor Vierra called the August 13, 2018 Regular City Council meeting to order.

ROLL CALL- Present:

Mayor: Vierra
Vice Mayor: Kline
Council Members: Durossette, Lane, Ryno

Absent: None

INVOCATION

Invocation was given by Loren Gregory, Victory Assembly of God.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mayor Vierra.

PRESENTATIONS

- A. Presentation of Proclamation Declaring August 13-19, 2018, as National Health Center Week in the City of Ceres.

Mayor Vierra read the proclamation into the record and presented it to Casie Cart and Ana Haro from Golden Valley Health Center.

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

Lee Brandt commented on the speeding that is occurring in his neighborhood. He stated that he has lived on Hale Aloha for three years and there is always a lot of traffic. He asked that something be done regarding the speeding of cars in his neighborhood.

Len Shepherd spoke regarding speeding on Fowler Road and the flashing lights.

Sheila Brandt commented on the Centennial Stroll at Mansion event that occurred over the weekend. Overall, it was a fun event. She also commented on the litter all over downtown.

Brandy Meyer commented on the celebrity dinner event that was held to raise funds for the water tower. She thanked all those that attended and helped out.

Gene Yeakley spoke regarding the naturalization ceremony held in Ceres. He commented on the condition of the chairs at the Community Center.

APPOINTMENTS TO BOARDS/COMMISSIONS

B. StanCOG Appointment (Wells)

City Manager Wells gave the report. Mayor Vierra commented that he appointed himself at the request of Senator Canella to assist with the ACE train project.

MOTION: Motion by Council Member Durossette, seconded by Vice Mayor Kline, appointing Mayor Vierra to the StanCOG Policy Board.

5/0/0 Motion passes see below by the following roll call vote:

AYES:	5	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	0	Council Members:	None
ABSENT:	0	Council Members:	None

CONFLICT OF INTEREST DECLARATION

None.

CONSENT CALENDAR

All matters listed on the consent calendar are considered routine in nature and will be enacted by a single motion unless otherwise requested by an individual Council Member or public for special consideration. Otherwise the recommendation of staff will be accepted and acted upon by roll call vote.

1. Clerks Report of Posting. The agenda of the August 13, 2018 City Council meeting was posted on August 8, 2018. (Nayares-Perez)
2. Waive Readings. All Readings of Ordinances and resolutions are waived.

(Nayares-Perez)

3. Approval of Minutes (Nayares-Perez)
 - a. Minutes of the July 23, 2018 Regular City Council meeting.
4. Register of Audited Demands for Period covering July 19, 2018 through August 2, 2018. (Dean)
5. General Correspondence – **Information Only**
 - a. Redevelopment & Economic Development Department Monthly Report – July (Hallam)
 - b. Recreation Monthly Report – June (Pollinger)
6. **Resolution No. 2018-080**, amendment to Drinking Water Supply Project Joint Exercise of Powers Agreement between the Cities of Ceres and Turlock.(Jordan)
7. **Resolution No. 2018-081**, ratifying the Memorandum of Understanding between the City of Ceres and Miscellaneous Bargaining Unit (LiUNA! Local 1130). (McCoy)
8. **Resolution No. 2018-082**, approving the City of Ceres Claim to the Stanislaus Council of Governments for Funds from the FY 2016/17 Local Transportation Fund Supplemental Apportionment, authorizing the City Engineer to Sign and Submit Said Claim on Behalf of the City of Ceres and approving a Budget Amendment and authorizing the Finance Director to Enter the Funds into the FY 2018/19 Budget. (Jordan)
9. **Resolution No. 2018-083**, amending the Fiscal Year 2018-19 Budget to transfer funds from AB 109 to General Fund. (Smith)
10. **Resolution No. 2018-084**, approving Fiscal Year 2018 – 2019 Carryover Appropriations and Amending the 2018-2019 Budget. (Dean)
(Removed from Consent/Ryno)
11. **Resolution No. 2018-085**, declaring the Redemption Fund as Surplus, Ordering the Disposition of Surplus Amounts, and approving the District Closeout Analysis and Findings Report Prepared by NBS for Westpointe Refunding Reassessment District. (Dean)
12. **Resolution No. 2018-086**, authorizing application to the US Department of Justice, Bureau of Justice Assistance for a 2018 Edward Byrne Memorial Justice Assistance Grant. (Smith)

Mayor Vierra asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion. Item 11 was removed from Consent.

Mayor Vierra asked, if anyone from the Public had any comments. There being no comments, Mayor Vierra brought the item back to Council for direction.

MOTION: Motion by **Council Member Durossette**, seconded by **Council Member Ryno**, approving Consent items 1-10 and 12. **5/0/0 Motion passes see below** by the following roll call vote:

AYES:	5	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	0	Council Members:	None
ABSENT:	0	Council Members:	None

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Item 11 (Council Member Ryno)

Council Member Ryno asked what they anticipate doing with the Surplus funds. She removed the item from Consent to discuss her preference of what projects should be addressed with those funds. She would like to see the residents that live there receive more of a benefit. She stated that her preference is that the funds be used for the following projects and in the order following order: (1) Upgrades of the existing median landscaping on Malik Blvd. and Aristocrat Dr., (Numerous plants missing and they have so many weeds.), (2) Improvements to the play area in Strawberry Park, (such as adding more play equipment and cement around it to walk, a covered area and the bathroom also need maintenance.), (3) Repair tree damaged sidewalk, curb & gutter. If after those projects, they can't find something else to work on and there is money left, then they can help out with the roundabout project. She feels people that live there deserve to have the things they can enjoy.

City Manager Wells commented that the projects listed in the report, were not listed in any particular order of priority. He believes that the estimates provided by NBS can accomplish all the goals listed.

Mayor Vierra asked, if anyone from the Public had any comments and the following citizen spoke:

Paula Redfern stated that she would like to mirror Council Member Ryno's comments. She further stated that she sees the park being utilized and access to a bathroom would be nice.

Mayor Vierra brought the item back to Council for direction.

MOTION: Motion by **Council Member Ryno**, seconded by **Vice Mayor Kline**, approving **Resolution No. 2018-085 with the projects in the priority listed by Council Member Ryno. 5/0/0 Motion passes see below** by the following roll call vote:

AYES:	5	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	0	Council Members:	None
ABSENT:	0	Council Members:	None

UNFINISHED BUSINESS

None.

PUBLIC HEARING

None.

NEW BUSINESS

None.

DISCUSSION ITEMS

14. Mobile Food Vendor (Wells)

City Manager Wells gave a brief overview of the item. He handed the presentation over to Tom Westbrook, Director of Community Development. Mr. Westbrook spoke about other cities and what they allow. He would like some food trucks be allowed to be phased in as a test period. He further stated that he doesn't recommend allowing food trucks by right like Modesto, but suggested three tiers. The three tiers are: Temporary Use Permit (TUP), Administrative Use Permit (AUP) and Conditional Use Permit (CUP).

Mr. Westbrook detailed the differentiating factor between the TUP, AUP and CUP which is the amount of time that each is authorized and the process by which they may be considered for approval. TUP's and AUP's for Mobile Food Vendors may be approved ministerially by the Planning Division. CUP's for Mobile Food Vendors may be approved discretionally by the Ceres Planning Commission.

Suggested time limits for Mobile Food Vendors are:

TUP – For special use events (as defined under Section 18.50.050) and not more than 15 days per calendar year.

AUP – In conjunction with or to supplement an existing business and not more than 180 days per calendar year.

CUP – In conjunction with or to supplement an existing business and may operate more than 180 days a year.

Any permit issued for a Mobile Food Vendor shall be renewed annually. If Conditions of Approval and Performance Standards are not being met, then additional conditions may be imposed at the annual renewal and in some instances the Permit may be terminated due to failure of compliance. In no case, shall any Mobile Food Vendor be permitted to operate that would subject the public to health and safety concerns.

There would be standard owner notification and business notification and outreach. If someone is going to be there more 4 hours a day they would have to have access bathroom to wash hands. There are no table and chairs and easy ups on exterior of mobile vehicles. There would be no opportunity to sit, with the exception if someone had a location near a park; generally no tables and chairs. There would be visibility of permit requirements, such as a visible sticker or magnet. There would be no other food vehicle allowed within 1000 feet of each other. Trucks will not be allowed to operate in city parks or on streets but only in commercial or industrial zones

Vice Mayor Kline asked how the City would monitor the TUP permits to make sure they are only operating 15 days a year. Mr. Westbrook stated that the vendor would have to list the dates and times of when and where they will be operating. This way, the City will know exactly where they will be located. Vice Mayor Kline also asked about the AUP, and

the 180 days allowed. How would the sticker work if they were in more than one location? Mr. Westbrook explained the application process and the required information on the application. He gave the example of Blaker Brewing that has a vendor come out a couple nights a week. If that same vendor went to another location, a new application for a permit would be required.

Council Member Ryno asked about the TUP and the 15 days allowed throughout the year. She wondered who on staff would be able to enforce that. Mr. Westbrook stated that staff would have to enforce that. The vendor would have to specify the dates and location of operation. Staff would know where and when the vendor would be operating. Council Member Ryno stated then it's really going to be if someone calls and complains. Mr. Westbrook commented that TUPs are usually for larger scale events. There was a discussion about TUPs and AUPs. Council Member Ryno expressed concern about someone setting up a food truck at Home Depot and that the vendor could potentially set up tables. Mr. Westbrook stated that under the proposed Standard Condition of Approval, tables and chairs are prohibited. Staff is recommending that no tables and chairs be allowed. It would allow for customers to pick up food and then leave.

Council Member Ryno inquired about the 1000 feet requirement between each food vendor. She gave an example of someone possibly setting up at Home Depot and then at Kmart. She does not want to see a line-up of mobile food vendors along the commercial areas as she's driving down the road. Mr. Westbrook stated that Council has the option of setting a higher distance between vendors and said some commercial shopping center owners may not be interested allowing food vendors on their property. Council Member Ryno asked if the vendor can just park on the street and set up. Mr. Westbrook stated that they must be on private property. They must also provide a trash receptacle. He stated that the distance can be adjusted by Council.

Council Member Durossette asked about the collection of fees. Mr. Westbrook responded the fees would be collected through the AUP, TUP and CUP and the vendor would also be required to have a business license. Council Member Durossette stated that if fees are collected through permits and are collected once per year, there will be no tax dollars. City Manager Wells stated that taxes would be paid through the business license based on sales.

Council Member Lane stated that he thinks all of these provisions put in place are good. He thinks it could be a good program for those that want to use it, whether its businesses like Blaker Brewing or the Rusty Nail. He stated that his concern is that it's \$250 for a permit. Is that for a CUP? Mr. Westbrook responded that the \$250 is for the TUP and that has a limit of 15 days that they can operate per year. He gave an example of the golf course having events throughout the year. The AUP is around \$400 which allows 180 days. The CUP is the most expensive one and that requires Planning Commission approval. Council Member Lane commented that he is concerned about the pedestrian food cart vendors setting up illegally. He inquired about the fines and would like to see substantial fines in place to discourage that from happening. City Manager Wells commented that these are the parameters for issuing permits, this program does not exist today. Staff is asking Council direction on how they would like to proceed. The enforcement action would be secondary to this process. There are two pieces to the puzzle. This discussion is the overall framework of how they would like to go about this. Is Council interested in moving forward or interested in a pilot program where they could

do this for six months? During the process of the comprehensive Municipal Code update they could incorporate both this framework and the fine/penalty structure.

Mr. Westbrook stated that by placing easy identifiers such as a sticker or magnet, it would make it easier to enforce. Council Member Lane commented that if they do this, the enforcement piece has to be in place with this.

Council Member Ryno commented on the 1000 feet and asked what 200 feet looks like from the front of the Home Depot store to Hatch Road. She wanted to know if trucks will be out on Hatch Road. Mr. Westbrook responded that they will not be on the road, but could be in the parking lot. There was a discussion about a truck setting up in the Home Depot parking lot and then at Kmart. Council Member Ryno stated that she does not want to be driving down Hatch Road and see mobile food vendors lined up. Council Member Ryno asked about Provision 8. Sanitary Facilities. She commented that it states "Operators shall have a written agreement for use of lavatory facilities by operators and patrons within 200 feet of the vehicle's location." She believes this requirement would apply to AUP and CUP applications. When you look at (23) Trash Receptacles which states, "Operators shall have a written agreement with property owner(s)/business owner(s) of existing business establishment(s) to allow for the use of their existing trash receptacle(s)/enclosure(s)." It does not say anything about the vendor having to have garbage receptacles. Mr. Westbrook stated that he believes it was included, but they may have missed that. That can be clarified. He also stated that the 1000 feet distance is what staff came up with. If it needs to be 1500 or 2000, that can be revised.

Council Member Ryno asked if vendors can just park on a street. Mr. Westbrook responded, no it must be on private property. Council Member Ryno then asked about Provision (18) Location on Particular Roadways. She stated that it seems like it applies to an AUP and CUP. City Manager Wells commented that the idea was intended in case someone wanted to place their mobile food vendor on a corner like Roeding and Mitchell where that could block visibility of either corner. They did not want to allow that. Mr. Westbrook commented that Council Member Ryno is correct; that could use a little clean up.

Vice Mayor Kline commented, then someone could be parked on Fowler Road, parked next to Smyrna Park in front of the awning and people could turn around and eat there. Mr. Westbrook stated that the zoning restriction would not allow that. They have to be parked on a commercial or industrial zoned parcel. They don't want them on roadways. Council Member Ryno stated that she does not see an industrial zoned property have a lineup of vendors.

Council Member Durossette commented that he feels vendors should primarily be allowed in industrial areas and just a small few on a trial basis.

There was a discussion about limiting it to just industrial areas and having food truck vendors for special events, such as events at River Oaks Golf & Events Center.

City Manager Wells stated they do not have anything in place today, it's just a concept. Staff is looking for direction on how Council would like to move forward. They have presented the best practices from other jurisdictions and put this together. They put the better options of those best practices and are looking for Council feedback. There are lots

of different levels to this and they brought the three step process: TUP is the easiest and more limited, the AUP is a little broader reaching and CUP the most comprehensive.

Council Member Ryno commented that she thinks since food trucks have been prohibited for many years, they should ease into it. She would be most comfortable allowing them for special events.

Mayor Vierra stated he thinks they should have a trial period and then expand it. They can get around the location of it, if they pulled out a map and pointed out location areas and then can reevaluate in six months. He stated that permitted food trucks have to get around permitting through the County Department of Health and that is not an easy process. They have some stringent requirements.

Council Member Ryno commented that she would think before they go into an industrial site, she hopes that staff will communicate with the businesses out there that there will be a food truck in their area. Businesses may not want them out there.

Vice Mayor Kline stated that he is okay with the TUP. The AUP, if they can come up with some language for an industrial area, where it is in private property. He agrees with Mayor Vierra; maybe they need to do it on trial basis to see how many people actually come in and ask for permits. Maybe they want to limit it to no more than eight food trucks in the City and sort of designate certain areas. He thinks they should wait before issuing a CUP for a while to see how the others go and not allow CUPs on a full time basis.

Mayor Vierra stated that he knows that Blaker Brewing is using the food truck and it's been successful and thinks that the City is pleased with what is happening there. He wants to make sure that nothing they are doing is going to interrupt that.

City Manager Wells stated that one of the goals in allowing mobile food vendors is about the partnership with local businesses and to help those that have invested in the community and be more successful. It gives businesses such as Rusty Nail or Blaker Brewing, which don't have full kitchens, an opportunity for success and growth.

Mayor Vierra asked, if anyone from the Public had any comments and the following citizens spoke:

Juan Romo President of the Ceres Chamber, stated that the Chamber agrees that there is a need for some food truck vendors as long as it's done correctly. They want to have diversity in Ceres and also make sure Rusty Nail and other local businesses can partner with food trucks for events. If food trucks help draw more people during events then that's more revenue and tax dollars for the City.

Lee Brandt commented that if a food truck is set up at Home Depot, what's to prevent Home Depot from setting up tables. He thinks it should be used for special events, like the ones at River Oaks.

Dave Pratt commented that businesses like Blaker Brewing are using that concept and he can see them for some businesses that don't have kitchens and want to bring food.

Nelson Ramirez, owner of the Rusty Nail, stated that his business would benefit from food trucks because unfortunately right now downtown doesn't have much of an option when it comes to food, especially after 9 pm. He falls into that category where his customers come in, they're hungry and they have to go out somewhere else to eat. Right now, there are not that many options in Ceres, as in other towns.

Paula Redfern spoke on how Modesto permitted food trucks in industrial areas and now they have to enforce it on a regular basis. She asked Mr. Westbrook about the enforcement process and the Stanislaus County Department of Environmental Resources requirements. She stated that she personally thinks TUPs are a great idea; they could set up a charitable use permit. She asked about the penalties for someone operating out of compliance and the penalty.

Mayor Vierra brought the item back to Council for direction.

Mayor Vierra stated that he has heard the concerns about the proliferation of food trucks in the City and perhaps instead of having a food truck come in and get a permit, maybe the businesses or the location could come in and get the permit. Some businesses would want a rotation of trucks. Whoever they are going to utilize should also have the ability to get a permit. Mr. Westbrook stated that he can see the Mayor's point and they should be able to add something like that to allow some flexibility, but they still need to know who will be there, because they need to verify the health department clearances and other requirements. Maybe there can be an AUP for the business owners and an AUP for those particular vendors as well. There are some details to work out.

Mayor Vierra stated that there's a certain threshold vendors need to make. The vendors, unless they come to a consistent location and get people to come, are not going to chase customers all over. The business model like Gallo, who has over 1000 employees has every Thursday, a different food truck and that works for them. Vendors are not going to go where there are 50 employees. If the vendors don't make a certain amount of money a day, it's not worth their time and effort to do it. Maybe G3 Enterprises wants to have a truck there, as well as Rusty Nail and Blaker Brewing so that it covers food trucks for the businesses that want it. Then you have the special events where there's something like Smoke on the River or some big event like that, where you want to allow food trucks then you are corralling that a little bit. Those are just his thoughts. He agrees with his colleagues. He does not want to see four food trucks along the parks. He does not think that will be the case, because it goes to the law of supply and demand. These are for the higher end food trucks he's referring to. He can go with what staff has presented, if they keep it in a six month time frame. He does not think they will get it right, right out of the gate. They can reevaluate within a six month time frame and adjust.

Council Member Lane stated that he agrees with the Mayor's business model suggestion. He does not want to see them every 1000 feet. He also likes the idea of having the business owner also come in and apply, as well as the owner, as that gives more control. He also likes the special events and that would be the place to start. He does know that he does not want to go outside that parameter and see how that works out.

Mr. Westbrook commented that he thinks staff could craft the language of having the business owner establish the location on their property or site where vendors could come on a frequent basis. Staff will craft something to ensure that each truck has the necessary

approval from the County Health Department. He thinks they could have two levels, through that same AUP permit. If there was a vendor who had a location and wants to establish there for 180 days, they would have that option to go that route and if they had a business or property owner that wanted to establish a location and have food trucks for up to 180 days they could also go that route. That would provide the maximum amount of flexibility.

Vice Mayor Kline commented on the AUP. One thing they have not discussed was the hours of operation. He gave the example of a vendor wanting to operate from 9 am to 9 pm and maybe one wanting to operate from 6 am to midnight or later. Mr. Westbrook stated that the vendor must declare their hours of operation on the permit. The vendor has to request the hours and staff review it. If staff thinks the hours are unreasonable, they can deny the hours requested. Vice Mayor Kline stated that he can understand late hours for special events, but he was looking more at the AUP in the industrial zone where a lot of those businesses are closed at 9 pm.

Council Member Ryno stated that to just begin having the mobile food vendors, she would like to forget about the AUP and just focus on a CUP and a TUP for special events. The CUP would allow places like Blaker, Rusty Nail and businesses that they already have in town, but can't provide food, the opportunity to see how it works and then the TUP for someone like River Oaks that wants to have something in conjunction with an event. She does not think they need to do all three right at the beginning. The other two should be able to handle those scenarios and it will give them an idea to see how things are going. It should not be for a year; it should be for six months and then they can see what happens after six months.

DIRECTION: Council collectively agreed for staff to move forward with Council Member Ryno's recommendation.

City Manager Wells commented that in order to create a pilot program, it will need to go back through the Planning Commission and then to City Council for action. This discussion item was to discuss the framework. Staff will also work with legal to get the framework in place and then return to Council for consideration.

COUNCILMEMBER REFERRALS

Any Council Members that would like to have an agenda item placed on a future agenda shall make a request under this section of the agenda.

None.

REPORTS

At this time, any Council Members or City Staff will make an announcement, or report briefly on his or her activities.

- Mayor
- City Council
 - Council Member Ryno, announced the official opening of Dog Park at Neel Park this Friday at 9:30 am.
 - Council Member Lane, reported that he attended the Centennial Stroll at the Whitmore

Mansion and it was a successful event. He thanked the committee for its efforts.

- City Manager Wells, reported that there is still one vacancy on the Measure L Oversight Committee. The Measure H Committee will meet this Wednesday at 6 pm. There are bricks available for sale for the Centennial Sponsorship of bricks for the downtown centennial monument.
- City Attorney – nothing to report.
- Departments
 - Tom Westbrook, Community Development Director reported on the Whitmore Ranch Specific Plan. The EIR comments closed today.
 - Brent Smith, Police Chief, reported that his detectives made an arrest and seized about \$250,000 worth of goods stolen from various stores in the area after serving two search warrants in Modesto on Saturday.
- County Supervisor – not in attendance.

There being no further business, Mayor Vierra adjourned the Regular City Council meeting at 7:30 p.m. and convened in a Closed Session meeting with the below listed items being discussed.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

City Negotiator: Liebert, Cassidy, Whitmore

Employee Organization: **Miscellaneous Bargaining Unit**

Employee Organization: **First Line Supervisors/Confidential Bargaining Group**

Employee Organization: **Mid-Management Employees**

Employee Organization: **Public Safety Mid-Managers**

Employee Organization: **Ceres Professional Firefighters Association**

Employee Organization: **Ceres Police Officers Association**

City Negotiator: Toby Wells, City Manager

Employee Organization: **Department Heads** (unrepresented)

REPORTS FROM CLOSED SESSION

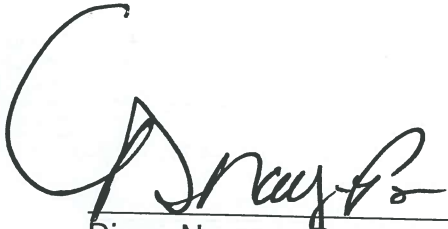
8:27 p.m. Reconvened to Open Session.

ACTION: Direction given to staff.

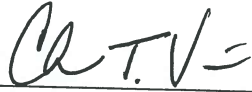
ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on Monday, August 27, 2018 at 6:00 p.m. in the City Council Chambers located in the Community Center at 2701 Fourth Street, Ceres, CA

There being no further business, Mayor Vierra adjourned the meeting at 8:27 p.m.



Diane Nayares-Perez, CMC, City Clerk



Mayor Chris Vierra