



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

**Tuesday, May 29, 2018 – 6:00 p.m.**

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292  
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**CALL TO ORDER**

Mayor Vierra called the May 29, 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 of Victory Assembly of God.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Mayor Vierra.

**PRESENTATIONS**

A. Ceres Street Faire Presentation.

The presentation was continued to June 11, 2018.

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

Dave Pratt thanked everyone that attended the Memorial Day event at the Ceres Cemetery.

Len Shepherd, spoke regarding the meaning of Memorial Day. He commented that Memorial Day is not just one day, people should thank Veterans every day for their service and remembers those that have given their life for us.

Shirley Rogers spoke regarding the recent clean up at the War Memorial.

Engineer to Sign and Submit the Claim to the Stanislaus Council of Governments. (Jordan)

8. **Resolution No. 2018-051**, accepting the 2017 Pavement Preservation Project as Complete, Approve the Balancing Contract Change Order, Authorizing the Filing of the Notice of Completion and Retention Release to the Contractor. (Jordan)  
*(Removed from Consent)*
9. **Resolution No. 2018-052**, approving Federal and Local Retainer Consultant Services Agreements For General Engineering, Traffic Engineering, Material Testing And Architectural Services For a One Year Extension, and Authorizing the City Manager to Execute the Agreements. (Jordan)
10. **Resolution No. 2018-053**, ratifying Letter of Agreement between the City of Ceres and Ceres Professional Firefighters Association Local 3636, Modifying *Article VI Probation, Appointments, Reduction in Force* to Clarify Reinstatement after Layoff Provision. (McCoy)
11. **Resolution No. 2018-054**, Ordering the Levy and Collection of Special Taxes for Fiscal Year 2018/19 within the City of Ceres Community Facilities District No. 1 (Public Services). (Damas)
12. **Resolution No 2018-055**, Ordering the Levy and Collection of Special Taxes for Fiscal Year 2018/19 within the City of Ceres Community Facilities District No. 2 (Public Services). (Damas)

Mayor Vierra asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion. Items 5a, 6, 9 and 10, were 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 Lane**, approving Consent items 1-4, 5b-c, 7, 8, 11-12. **5/0/0 Motion passes see below by the following roll call vote:**

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

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

##### **Item 5a (Council Member Ryno)**

Council Member Ryno inquired if the Downtown Project has already been accepted as complete. She recalls that part of that project included landscaping to be covered by the contractor and not City staff. City Manager Wells stated that the contractor will be maintaining the landscaping until the balance of the fiscal year. Council Member Ryno pointed out that the report states that in April staff removed all weeds on the corner of 4<sup>th</sup>

with those on an annual basis. Council Member Ryno stated, but it could be something that they approved in 2015 and now the City does not have the money, Council wouldn't have any say now if the project were to go forward and spend more than what they thought they would be spending. City Manager Wells commented that these are capital improvement projects, 98% of which are non-general funded. Generally if project is budgeted, the only time more money is needed is during the construction, not during the design. These are design contracts for the most part. Generally speaking that doesn't happen, because the limitations are in the general fund and most projects are capital improvement and not general fund allocated.

**MOTION:** Motion by Council Member Ryno, seconded by Council Member Durossette, approving Item 9. 5/0 Motion passes see below by the following roll call vote:

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

**Item 10 (Council Member Ryno)**

Council Member Ryno asked if they have the same verbiage in all of the MOUS. In particular, the verbiage regarding the probation appointment reduction in force. It seems to her, if they have that language in all of the City's MOUs are they are going to modify those when they are doing negotiations. Betina McCoy, Human Resources Director stated that she will review the MOUs; this particular one was an urgent matter that they needed to take care of. She will review the other MOUs and will clarify those if they have the same language.

**MOTION:** Motion by Council Member Ryno, seconded by Vice Mayor Kline, approving Item 10. 5/0 Motion passes see below by the following roll call vote:

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

**UNFINISHED BUSINESS**

None

**PUBLIC HEARING**

13. **Resolution No 2018-056**, approving the Engineer's Annual Report, confirming the assessment and ordering the levy for the 1987 Landscaping and Lighting District for Fiscal Year 2018-2019. (Damas)

City Manager Wells gave the report. He commented that this is the annual process of updating the LLD. The overall LLD funding and mechanism stays the same. There is a small increase consistent with the original adopting language for the LLD. All in all, those costs associated with maintaining those facilities are continuing to exceed the revenue for each of those districts, creating a strain and that's where general fund helps to maintain

from elected to appointed and also placing a cannabis business tax on the ballot. As discussed previously, the idea of the tax would that it would be a backstop to the Development Agreement (DA) that is being utilized. The DAs that have been executed expressly eliminate those businesses from being subject to the tax. That tax would be in place only if Council moved to that direction. The premise would be only if the DA was found to be invalidated. Staff feels that the tax is an effective route both from an enforcement and collection standpoint, since it's a general tax it has to be on regular ballot. If it's not on the ballot this year, they would have to wait until the 2020 election which at this point it a little uncomfortable to wait with the state of legal affairs of cannabis in California and the nation. The proposed tax is just a safety measure to ensure that the City has some mechanism for collection if the DAs are found to be invalid. The November 6, 2018 election also includes the election of the two Council seats. In 2015, the City moved to district elections and in 2017 being consist with SB415 moved from odd to even year elections. 2018 is the first district election for Districts 1 and 2. The resolution also asks for Council appointment of two members to assist staff and legal with the preparation of ballot arguments in favor of those items on the ballot.

Vice Mayor Kline inquired about the taxation of cannabis. He asked if the medical cannabis is nontaxable. City Manager Wells responded that it's not subject to sales tax, but would be subject to this tax. Vice Mayor Kline commented if they impose a citywide tax would it be subject to a taxation. City Manager Wells stated that the Ordinance reads that the tax rate would be up to 15%, but it is set by Council Resolution and will likely be well below that. Vice Mayor Kline commented, but the Resolution would set the actual tax rate. City Manager Wells stated that the ballot measure allows it to go up to 15%. Most folks are using a number between 4% and 8%. Vice Mayor Kline asked if Council will have the discretion to bring it back and adjust tax rate. City Manager Wells stated that is correct; the Ordinance allows the rate to be set by Council Resolution.

Council Member Ryno inquired about the City Treasurer. She stated that the staff report reads like they would, if passed, recruit for the position. City Manager Wells commented that it would be up to Council. Council would determine whether they want to recruit or incorporate those duties into the Finance Director job description or another position. Council Member Ryno commented, then that would be why it's not included in the budget. City Manager Wells responded yes, it is at the direction of Council. He commented that the current incumbent's term runs through November 2019. Council Member Ryno stated that she can't imagine that the City Treasurer needs to be a fulltime position. City Manager Wells stated not likely, with their current structure. That's a decision Council will make if the voters approve the measure. Council would need to make that determination for FY 19-20 budget.

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.

*(Items 14 A and B)*

**MOTION:** Motion by Vice Mayor Kline, seconded by Council Member Ryno, approving Item 14 A and B. **5/0 Motion passes see below by the following roll call vote:**

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

Council Member Ryno stated that the direction that the Committee went was rather than give recreation additional money for day events. If there was a concert at the golf course and people are going to stay in one of the City's hotels, then they are going to be generating even more money to that fund. That was the direction they went. They wanted it to go to an event that would conceivably generate more hotel traffic. The Concerts in the Park or Halloween Festival is attended primarily by local people.

Council Member Durossette commented that he thinks that the committee members worked really hard on this. They did have various discussions on how much they were going to spend and how. But, the money is to hopefully going to come back to the community, by getting more people here. One biggest taxes is the gas tax and by getting more people here it's a great thing. This is just one year, at end of the day if for some reason it is not working out then they will go in a different direction. It's a great start.

Mayor Vierra polled Council as to their direction.

City Manager Wells stated that if Council approves the program, then the item will return for formal adoption. They will return with the formal adoption of the program and funding after adoption of the budget. Once the program and budget is formally approved, they will start with the application process.

**DIRECTION/ACTION:** Council majority, with exception of Vice Mayor Kline, were in agreement with what the TOT Ad Hoc Committee presented.

16. Draft Budget Fiscal Year 2018/2019 Presentation (Wells)

City Manager Wells gave the report and provided a review and discussion of the following:

- Fiscal Year 2017/18
- Reviewed proposed Revenues FY 18/19
- Revenue discussion points
- Overview of Expenditures FY 18/19
- Forecasts
- Expenditure discussion points
- Department reviews
- Next Steps
- Future

City Manager Wells reported the current projections. The beginning balance was \$3.8 million. Projected revenues are at \$20.2 million, with projected expenses at \$19.8 million and a projected fund balance of \$4.2 million. The projected reserve balance will be at 21%. Increased revenues can be attributed to an increase in sales taxes, the economy and the three cannabis Development Agreements (DA). City Manager Wells stated that it's refreshing to have a conversation where there is a little bit of cushion. Although the budget is much improved, it is not yet healthy. Revenues are growing, but expenditures are as well. There are concerns about future stability of new revenue. Revenues are exceeding pre Great Recession levels. Negotiations with employee groups have not been completed.

they are comparing. City Manager Wells replied primarily yes, with a couple of exceptions that he will cover when they review the departments.

#### GF Future Expenditures Projection

Mayor Vierra asked is there any reason why group insurance is flat lined. City Manager Wells stated replied because it is at the max negotiated rates. Negotiations can dictate how much the City is paying and the City hit the cap this year. Any increases are 100% borne by employee groups, unless something else is negotiated. Mayor Vierra commented during negotiations if anything changes then that goes up. City Manager Wells responded, yes, hence why the driver for getting the negotiations completed is a significant driver of the overall budget process, depending on who is filling that position the numbers can change.

#### Preliminary Personnel

Vice Mayor Kline inquired about Public Safety Fire and the 27 employees City Manager Wells referenced. He asked if this was just Captains, Engineers and Fire Fighters, not Battalion Chiefs. City Manager Wells confirmed that it is correct.

#### Community Development - Planning

Vice Mayor Kline asked about Planning and doesn't the developer pay a fee to help offset those costs. City Manager Wells says it does offset some costs but not all.

#### Finance Department

Council Member Ryno asked if the electors vote to change the City Treasurer to appointed, can they discuss that in November and could those duties go to the Finance Directors and then look at Deputy Director then because the Finance Director will be busier. City Manager Wells, responded absolutely once they get direction from the voters that could be discussed then and could be included in the FY 19-20 budget. Finance Director Dean commented that she is already performing the major functions of the Treasurer. Because of the investment portion of the Treasurer duties, she wouldn't recommend those duties go to the Deputy Finance Director. Council Member Ryno stated that she did not mean that, what she meant was if the Finance Director was going to be tasked with the Treasurer duties, then maybe she would need even more someone to help her. Ms. Dean stated that she is already performing her duties and the duties of the Deputy Finance Director which include the Community Foundation and the compliance reporting. Council Member Ryno asked how much the position would be. Ms. Dean stated that she has not costed it for a couple of years. Mr. Wells stated if he remembers correctly, the general fund component was around \$75,000 and fully burdened around \$180,000. That would obviously depend on what level that person is hired at, plus minus \$60,000 - \$80,000 to the general fund. Council Member Lane thinks that the Finance Department is a pretty important area. He would like to discuss this when they discuss then needs of the Departments.

hours it takes to mow 150 acres of parks in a week. Mr. Damas stated on a good week about 40 hours. City Manager Wells commented that that's with nothing going wrong and no issues in a park. A lengthy discussion ensued regarding temporary employees and permanent employee and staffing levels for parks. Council Member Ryno commented that to her, the City needs to hire one person now and forget about the temporary. City Manager Wells commented that one is not enough staff. Council Member Ryno referenced that it would cost \$82,000 to hire one person. Vice Mayor Kline stated that, that would be less than half percent of the General Fund. Council Member Lane does not think it is enough staffing. Parks was staffed with 11 people and now if you look at the City's parks and the City's motto, it's important to have parks maintained. Now there are weeds all over sidewalks and he understands there are only three people on staff. If they are going to look at this realistically, they need to look at the real number. He doesn't know what it's going to look like in the budget, but it's for them to decide. Parks are a mess and it's embarrassing. It's as important as police and fire. Parks are part of the community and it's going to take more bodies. Mayor stated that what he is hearing is that Council wants to increase staffing to parks and grounds. Whether that be one or two, or however many people to get the job adequately done.

#### CDRAB, CRA, SCRC – Department 45

City Manager Wells discussed the proposed one year allocation of \$10,000 for security enhancements for Ceres Downtown.

Council Member Ryno asked about the recommended Downtown Security and if there was outreach to downtown business owners and if that's paid for by the downtown merchants. City Manager Wells stated yes, downtown business owners were notified and it's funded out of the CDRAB program. Council Member Ryno asked if when this was discussed at the Planning Commission, were downtown owners present. City Manager Wells said yes, a couple were in attendance.

#### Engineering

Capital Improvement Projects - Dept. 95 (Citywide speed study - \$10,000)

Vice Mayor Kline asked about citywide speed survey and if that includes the area north of Hatch Road with Modesto addresses. City Manager Wells responded, yes it includes all streets in the City limit.

#### Recreation - Dept. 55

(Recruitment of Recreation Manager, Full time Recreation Coordinator-currently part time)

Council Member Ryno stated that for the Recreation Manager they previously tried having someone in another department as the Recreation Manager. Is there any Department that would have someone on staff that could oversee two fulltime recreation coordinators and be a recreation manager? City Manager Wells having gone through that process when he first became City Manager and knowing the process that Captain Collins went through and the difficulty for it to be effective and with the leanness of staff, he does not see where any department has the capacity to effectively run that department. The need for a Recreation Manager is dire, as Traci worked for the City 15 years plus and she takes a lot of institutional knowledge with her and the pure 40 plus hours a weeks she worked, they have to replace that somehow. A lengthy discussion ensued about the Recreation Manager and Recreation Coordinator positions. Council Member Durossette stated that maybe they can restructure it, possibly have a part time person right now as right now is

four officers and one sergeant. A lengthy discussion ensued regarding the difficulty with recruiting officers, incentives to attract potential qualified officers and how to gradually staff the Street Crimes Unit.

Council Member Lane agrees that this is something they need to work towards. Mayor Vierra agrees with his colleagues, that in light of all the activity he thinks they need to focus on police side of things and is in agreement if it means bringing back the Street Crimes Unit. City Manager Wells stated it will likely be called the Proactive Unit to focus more on proactive versus reactive. Mayor Vierra stated that they are talking about \$1.7 million in marijuana revenue coming back to the City. He thinks a portion of it needs to go to this.

Mayor Vierra directed staff to bring back something that increases the numbers for Police.

Fire – Department 15

(31 FTE – 1 Chief; 3 Battalion Chiefs; 12 Captains (1 serving in FIU); 12 Engineers (2 currently vacant, 1 overstaff); 3 Firefighters (draft budget includes 2 vacant Engineers as ff))

City Manager presented two option for discussions:

- Establishing a three-man (3/0) engine companies at three stations, which would require two additional positions, with the position of Fire Chief Unfunded.
- Having a four-man (4/0) Engine Company at two stations, by not having Ceres Firefighters at the Pecos Station.

City Manager Wells stated that he does not recommended the 4/0 scenario. Simply put, four stations is better than three. Three Stations is better than two, if they can afford. He commented further that they need to provide the community the highest level of service they can afford and three stations for a City of 47,000 plus a service outside the area of 13,000 going to two stations with eight people is a definite stretch. Reorganizing to go to 4/0 would result in a net saving of \$175,000 annually.

Council Member Ryno asked where Station 16 is. City Manager Wells responded at Pecos. Council Member Ryno further asked how much it costs to run that station. City Manager Wells stated rough number fully burdened and equipment, probably about \$1.4 million. Council Member Ryno stated that it seems to her when they approved the SAFER grant funding, in order to hire the six additional firefighters they did some temporary promotions. City Manager Wells commented that he would have to look back at it. He does not believe that was the case. A lengthy discussion between Council and staff ensued regarding 3/0 staffing and 4/0 staffing, as well as, call volumes, resource sharing, mutual aid and boundary dropping.

Mayor Vierra stated that he would like to see both scenarios. Council Member Lane commented that he would like to also see those scenarios along with the parks and other scenarios discussed so they can go over each one and what it looks like in the budget. Finance Director Dean provided a brief explanation of the demotions and reorganizations that would have to take place with each scenario. She stated for 3/0 staffing they would have to actually add two more positions in order to achieve 3/0 staffing over what they current have and would not be laying off anyone. There would be four demotions and



safety. The standard throughout the nation has become four on an engine, six on a truck, because it's the safest and reduces the number of pieces of equipment to response on a call. If you have four on an engine, (called two in and two) out, you have two people going into a structure and you need two people outside, one to staff the engine and the other to take any kind of assistance to the two in. If you only have 3/0 staffing, you have to have another engine; that means six people have to come to one call, with two engines. To him, that does not make sense. They have to start thinking about fire fighter safety is number one and if you have to have three engines to cover for two 4/0s, you are wasting money. What most departments shoot for is 4/0 staffing, because of safety and it takes less equipment. Council needs to think about trying to come up with some way making of 4/0 staffing work.

Rebecca Harrington, lives down street from Pecos Fire station. She is a big advocate for her park. She is also a huge advocate for the Fire Department. Last year in May, when Pedros Pallets was burning down which is one block from her home, if it wasn't for that station and the hard work they did, to keep safety, she doesn't know what could have happened. It was a five alarm fire and they did an exemplary job. When they call on them to help with community to clean up of parks they do. The minute that bell rings, they are gone and out doing their job. She will guarantee this, they have been considered a disenfranchised lower social economic community which is by most standards and by most agencies given what called an environmental injustice. To remove that station from an area that is already affected in many ways economically, socially and disenfranchised is an injustice. People give them the last thought. They are always at the bottom of the totem pole. They pay their taxes. Her father paid his taxes the last 50 years. They pay them diligently. She fought to make sure they had sewer in their area before it was taken over by the City of Ceres. She will fight for that station and will get the support from other community members. Please consider the adverse effects to their community.

Vince Milbeck, Ceres Fire Engineer stated that he wanted to provide clarification on the two in and two out. He detailed the assignment and also provided clarification on Station 16 and its service.

Mike Miller, President of the Ceres Firefighter Association asked for clarification. He stated that throughout process he heard Council authorize to increase the capabilities of Parks, Recreation and Police, and at the same breath are talking about decreasing their abilities. He asked if that is correct.

Council Member Durossette stated that it is not correct. What they are trying to do is they have some monies this year and they are trying to make the City whole as well as take care of a lot of things they neglected for a long period of time. They had 14 parks staff and now have three. They are trying to see how things might need to be restructured, and maybe they don't need to be. Maybe they're talking about 3/0 staffing. They didn't hire any new Police Officers. Three positions have been open for a while and they have Fire positions open that are in the budget. There's a possibility they will be in there. He stated that he has had many conversations with him and he along with Council, are huge supporters of Fire. They are just looking at things.

Mr. Miller stated he would never support having two stations in this town with whatever staff they get. It's not enough to cover the calls they are going to get.

**REPORTS**

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

- Mayor Vierra nothing to report.
- City Council  
Council Member Ryno stated she will be absent at the June 11 meeting.
- City Manager – City Manager Wells stated that Labor Negotiations will not be needed this evening. There is a vacancy on the Measure L Committee, as Larry Lew is moving to Modesto. A vacancy notice will be posted on the City's website. Concerts in the Park will begin on June 5 and the Measure H meeting will be on June 6.
- City Attorney nothing to report.
- Departments nothing to report.
- County Supervisor not in attendance.

**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**

Cancelled.

**ADJOURNMENT**

The next regularly scheduled City Council Meeting is scheduled to be held on Monday, June 11, 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 9:27 p.m.



Mayor Vierra



Diane Nayares Perez, City Clerk