

**CITY COUNCIL MINUTES**  
**March 25, 2013**

Mayor Vierra called the March 25, 2013 City Council Meeting to order at 7:00 p.m. with the following in attendance:

**ROLL CALL** Council Members Durossette, Ingwerson, Kline, Lane, Mayor Vierra

**INVOCATION** by J.J. Beyronneau, Youth Pastor, Ceres Christian Church

**PLEDGE OF ALLEGIANCE** to the flag led by Mayor Vierra

**PRESENTATIONS**

A. Ceres Youth Commission report to Council.

Kimberly Ochoa, President of the Ceres Youth Commission updated Council on recent and upcoming projects including volunteering at the Stanislaus County Animal Shelter, an activity with the Davis Group Home, the Love Ceres Project and a clean-up at the River Bluff Regional Park.

B. Proclamation Declaring April 14-20, 2013 as National Library Week. *Moved to meeting of 4/8//13.*

**APPROVAL OF THE MINUTES** - None

**CITIZEN COMMUNICATIONS**

- Len Shepherd, spoke in opposition of the request from the Hispanic Leadership Council to move to district elections.
- Dave Pratt, resident, spoke about how people should be cautious at intersections with stop signs. Mr. Pratt also mentioned a City tree in his yard that has very shallow roots and it is ruining his lawn.
- Carol Blomquist, Ceres Librarian, spoke regarding upcoming activities at the Library.

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

**ACTION:** It was moved by Lane/Seconded by Kline to approve the agenda as posted or amended and certification of posting. **Motion carried unanimously. (5/0)**

**APPOINTMENTS TO BOARDS/COMMISSIONS** - None.

**CONFLICT OF INTEREST DECLARATION** – None.

Mayor Vierra noted that on Item 9 the sewer portion of this project was originally contracted with Eco:Logic who subsequently have been acquired by his employer, StanTec. In an opinion received from the Attorney General's office, there is no conflict of interest with this item or any other matter with StanTec.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - A. Public Works monthly report for February 2013.
  - B. Council update on Traffic Complaint from March 11, 2013 Council Meeting.
2. Register of Audited Demands for period covering March 5, 2013 through March 13, 2013.
3. **Resolution No. 2013-21** accepting the Fowler West, Hil-Mor Drive, and Morgan Road Lift Station Rehabilitation Project as complete, approving the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and Release of the Retention to the Contractor.
4. **Resolution No. 2013-22** accepting the Ceres ADA Ramps - City Hall Block Project as complete, approving the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and Release of the Retention to the Contractor.
5. **Resolution No. 2013-23** rejecting the claim for damages of Danny Jesse Leon.
6. Waive Second Reading and Adopt **Ordinance No. 2013-1015** amending Ceres Municipal Code Title 18, Chapter 18.50, Code Section 18.50.220 Time Limits for Developments to give the Planning Commission discretionary authority to grant multi-year extensions of previously approved projects.
7. **Resolution No. 2013-24** protesting the State Water Resources Control Board's proposal to require increased water flows in Tuolumne River to 35% of the unimpaired flow during the time period from February 1 to June 30 for fish and wildlife beneficial uses. *PULLED FOR FURTHER DISCUSSION.*
8. **Resolution No. 2013-25** for the use of Measure H fund reserves in the purchase of new mobile computers for police vehicles, and iPads for detectives.

**ACTION:** It was moved by Lane/Seconded by Ingwerson to approve Consent Calendar Items 1-6 and 8 as recommended by staff. **Motion carried unanimously. (5/0)**

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

7. **Resolution No. 2013-24** protesting the State Water Resources Control Board's proposal to require increased water flows in Tuolumne River to 35% of the unimpaired flow during the time period from February 1 to June 30 for fish and wildlife beneficial uses.

Mayor Vierra pulled item to raise awareness of the severity of the State Water Resources Control Board's proposal to increase water flows in Tuolumne River. The purpose of the increase in water flow is a belief that the amount of salmon that return to the river each year could be increased by increasing the flow in the river from February through June of each year. Staff pointed out the following:

- The flow amounts are not based on any scientific research
- The increased river flows would result in less water available for irrigation and require 100,000 acres of farmland to be fallowed.
- The Agricultural sector income loss would total \$28 million a year.
- The flow requirements affect only the Merced, Tuolumne and Stanislaus Rivers.

- This would result in less water available for generating electricity during peak summer demand periods.
- There is no evidence that increased flows actually benefit the salmon.
- Increased river flows would require additional ground water pumping which would increase the competition for available ground water.

Those speaking in opposition to the State Water Resource Control Board's proposal:

- Michelle Reimers, representing Turlock Irrigation District
- Dave Pratt, resident
- Len Shepherd, resident

**ACTION:** It was moved by Ingwerson/Seconded by Kline to approve **Resolution No. 2013-24** protesting the State Water Resources Control Board's proposal to require increased water flows in Tuolumne River to 35% of the unimpaired flow during the time period from February 1 to June 30 for fish and wildlife beneficial uses. **Motion carried unanimously. (5/0)**

**UNFINISHED BUSINESS** – None.

## **PUBLIC HEARING**

9. Public Hearing to consider **Resolution No. 2013-26** of the City of Ceres for the Water and Sewer System Master Plans:
  - a. Certifying the Final EIR;
  - b. Adopting Findings and a Statement of Overriding Considerations;
  - c. Adopting the Mitigation Monitoring and Reporting Plan (MMRP);
  - d. Adopting the Final Water and Sewer Master Plans;
  - e. Approving the Near-Term Water and Sewer System Projects; and
  - f. Authorizing the Filing of the Notice of Determination.

Toby Wells presented a brief summary of the System Master Plans project. The final step is certifying the Final EIR.

Andrea Sheperd representing AECOM reviewed the findings of the EIR.

**7:55 p.m.** the Public Hearing was opened.

- Dave Pratt, expressed concerns about the City's 50-year plan for wastewater treatment corresponding with the plans of Turlock and Modesto since we are partially dependent on them.

Staff responded that our dependence on Modesto and Turlock was taken into consideration. That was the need for overriding considerations in the EIR and there are triggers built into our plan so that we know when we need to open discussions with Turlock and Modesto for necessary expansion.

- Jim DeMartini, Stanislaus County Supervisor, corrected an earlier statement from Andrea Sheperd regarding the mitigation of farmland.
- Len Sheperd, spoke against further residential growth.

**8:03 p.m.** there being no one else wishing to speak, the Public Hearing was closed.

**ACTION:** It was moved by Durossette/Seconded by Kline to approve **Resolution No. 2013-26** of the City of Ceres for the Water and Sewer System Master Plans:

- a. Certifying the Final EIR;
- b. Adopting Findings and a Statement of Overriding Considerations;
- c. Adopting the Mitigation Monitoring and Reporting Plan (MMRP);
- d. Adopting the Final Water and Sewer Master Plans;
- e. Approving the Near-Term Water and Sewer System Projects; and
- f. Authorizing the Filing of the Notice of Determination. **Motion carried unanimously. (5/0)**

**NEW BUSINESS** – None.

**COUNCILMEMBER REFERRALS** – None.

### **REPORTS**

Council and staff reported on various upcoming events including a Chamber Coffee Hour to be held on March 22, 2013 and Every Student Succeeding to be held on March 20, 2013. Acting City Manager, Art de Werk reported that Enrique Perez will be volunteering for the City on a part-time basis as a Public Affairs Officer.

**8:11 p.m.** There being no further business, Mayor Vierra adjourned the meeting.

/s/Chris Vierra, Mayor

/s/Cindy Heidorn, CMC, City Clerk