

CITY COUNCIL MINUTES

October 13, 2014

Vice Mayor Durossette called the October 13, 2014, City Council Meeting to order at 7:00 P.M. with the following in attendance:

ROLL CALL Council Members Kline, Ryno, Vice Mayor Durossette

EXCUSED Councilmember Lane, Mayor Vierra

INVOCATION by Billybob Muirhead, Public Safety Chaplain

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

PRESENTATIONS

A. Presentation to the Friends of the Turlock Animal Shelter.

Acting Fire Chief, Bryan Nicholes, presented a Certificate of Appreciation to the Friends of the Turlock Animal Shelter for donating two animal resuscitators which were recently used by the Ceres Fire Department to save the lives of two dogs.

B. Proclamation Declaring October, 2014, as Breast Cancer Awareness Month.

Vice Mayor, Bret Durossette, declared the Month of October, 2014 as Breast Cancer Awareness Month in the City of Ceres.

APPROVAL OF THE MINUTES of the regular meeting of September 8 and September 22, 2014 (All Present)

ACTION: It was moved by Kline/Seconded Ryno to approve the Minutes of the meetings of September 8 and September 22, 2014. Motion passed by the following vote:

AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette

NOES: None

ABSENT: Councilmember Lane, Mayor Vierra

CITIZEN COMMUNICATIONS

- Rene Ledbetter, President, Ceres Chambers of Commerce, addressed Council to invite them to the Chamber's upcoming events.
- Monica Ventura, NAACP, addressed the Council about allegations of inappropriate language used by City employees on personal social media accounts. Ms. Ventura then read from a letter sent by the City Attorney to a freelance writer in response to his public records request. In the letter, the City Attorney stated that we were only able to dedicate four hours of staff time per week to research his broad request. Ms. Ventura stated that four hours was not enough time to dedicate to a personnel investigation.
- Len Shepherd, resident, mentioned that the weather will be turning cooler soon and we should be prepared. Mr. Shepherd also stated that he felt the City Council was doing a good job.

- Frank Johnson, President, NAACP, spoke about the ongoing investigation regarding employees placing cameras under the desks of other City employees and City employees using inappropriate language on their personal social media accounts. Mr. Johnson concurred with Ms. Ventura's prior statement that four hours per week to investigate personnel issues is inadequate and suggested a Grand Jury investigation. Mr. Johnson also expressed that the NAACP has been ostracized from the City.

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

ACTION: It was moved by Kline/Seconded Ryno to approve the agenda as posted (or amended) and certification of posting. Motion passed by the following vote:

AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette
 NOES: None
 ABSENT: Councilmember Lane, Mayor Vierra

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION – None.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. V.I.C.E. Program Update. PULLED FOR FURTHER DISCUSSION
 - b. Recreation Division Monthly Report for August, 2014.
2. Register of Audited Demands for period covering September 17 – October 1, 2014.
3. **Resolution No. 2014-125** amending the Conflict of Interest Code to Reflect Changes in the Organization and Title Changes.
4. **Resolution No. 2014-126** approving the Stanislaus County Community Development Block Grant (CDBG) Allocation Agreement with Stanislaus County to Receive CDBG Funds for FY 2014/15.
5. **Resolution No. 2014-127** approve upgrading one Water Distribution Operator I/II position to a Senior Water Distribution Operator.
6. **Resolution No. 2014-128** supporting Renewal of the Stanislaus County Recycling Market Development Zone (RMDZ).
7. **Resolution No. 2014-129** authorizing destruction of certain Public Safety Personnel Records.
8. **Resolution No. 2014-130** authorizing the removal of the freeze of employee step increases.

ACTION: It was moved by Kline/Seconded Ryno to approve Consent Calendar Items 1b, 2-5, 7 and 8 as recommended by staff. Motion passed by the following vote:

AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette
 NOES: None
 ABSENT: Councilmember Lane, Mayor Vierra

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

1a. V.I.C.E program update.

Acting Fire Chief, Bryan Nicholes presented an update on the Volunteers in Code Enforcement (V.I.C.E.) Program. Acting Chief Nicholes reported that the City has two very good volunteers. All volunteers will be trained on the computer system and are going on ride alongs with the City’s Code Enforcement Officer. Among their duties will be checking up on open cases. The City receives 250-300 complaints per month. The volunteer will be working between 4 – 12 hours per week. The City hopes to receive applications from additional volunteers.

Councilmember Ryno expressed concern about a new business on Hatch Road which has several signs that are in violation of the City’s Municipal Code.

Acting Chief Nicholes responded that the Code Enforcement Officer went to speak with them today.

Councilmember Ryno requested that the Finance Department begin handing out information regarding temporary signs when the business picks up its business license.

ACTION: It was moved by Kline/Seconded Ryno to approve Item 1a. V.I.C.E. program update. Motion passed by the following vote:

- AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette
- NOES: None
- ABSENT: Councilmember Lane, Mayor Vierra

6. Resolution No. 2014-128 supporting renewal of the Stanislaus County Recycling Market Development Zone (RMDZ).

Pulled by Councilmember Ryno for clarification on the City’s cost for the RMDZ.

Staff responded that the loans are issued by CalRecycle and maintained by the County. There is no cost to the City.

ACTION: It was moved by Ryno/Seconded Kline to approve Item 6, **Resolution No. 2014-128** supporting renewal of the Stanislaus County Recycling Market Development Zone (RMDZ). Motion passed by the following vote:

- AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette
- NOES: None
- ABSENT: Councilmember Lane, Mayor Vierra

UNFINISHED BUSINESS – None

PUBLIC HEARING

9. Public Hearing - to consider **Ordinance 2014-1021**, a proposed Zoning Ordinance Text Amendment (14-07 ZOTA) for the modification of Code Section 18.42.100 – Definitions – of the City of Ceres Sign Ordinance (regarding sign area calculations and adding an architectural feature definition).

Tom Westbrook, Director of Community Development, presented a staff report to Council. Mr. Westbrook stressed that only two definitions are being modified; area calculations and architectural features.

7:35 P.M. Vice Mayor Durossette opened the Public Hearing

7:35 P.M. There being no one wishing to speak, Vice Mayor Durossette closed the Public Hearing.

ACTION: It was moved by Kline/Seconded by Ryno to waive first reading and have **Ordinance No. 2014-1021** read by number and title only. Motion carried by the following vote:

AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette

NOES: None

ABSENT: Councilmember Lane, Mayor Vierra

Vice Mayor Durossette directed the City Clerk to read the **Ordinance No. 2014-1021** by number and title only.

Cindy Heidorn, City Clerk, read the following into the record:

“Ordinance No. 2014-1021 a proposed Zoning Ordinance Text Amendment (14-07 ZOTA) for the modification of Code Section 18.42.100 – Definitions – of the City of Ceres Sign Ordinance (regarding sign area calculations and adding an architectural feature definition).”

ACTION: It was moved by Ryno/Seconded Kline to approve **Ordinance No. 2014-1021** a proposed Zoning Ordinance Text Amendment (14-07 ZOTA) for the modification of Code Section 18.42.100 – Definitions – of the City of Ceres Sign Ordinance (regarding sign area calculations and adding an architectural feature definition), for introduction and first reading. Motion passed by the following vote:

AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette

NOES: None

ABSENT: Councilmember Lane, Mayor Vierra

NEW BUSINESS – None.

COUNCILMEMBER REFERRALS – None.

REPORTS

Council and Staff reported on various activities in the City.

City Manager, Toby Wells clarified two comments from Mr. Johnson.

1. Mr. Johnson feels that communications have ceased between the City and the NAACP; however the City very recently met with the NAACP to discuss issues.
2. Mr. Johnson also confused a personnel investigation with a public records request by remarking that the City stated it can only dedicate four hours per week investigating personnel issues. A public records request and a personnel investigation are two different things. A public records request is a request for City documents and can sometimes be very time consuming depending on the documents requested. A personnel investigation is an investigation of employee actions. The City aggressively investigates any allegations made about City Employees.

7:43 P.M. There being no further business, the meeting was adjourned.

/s/Chris Vierra, Mayor

/s/Cindy Heidorn, City Clerk

