

**CITY COUNCIL MEETING
MINUTES**

October 27, 2014

Mayor Vierra called the October 27, 2014 City Council Meeting to order at 7:00 P.M. with the following in attendance:

ROLL CALL Council Members Durossette, Kline, Lane, Ryno, Mayor Vierra

INVOCATION by Len Shepherd

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra

PRESENTATIONS

A. Presentation to Sheila Cumberland, Deputy City Manager, for 15 years of service. Council presented Ms. Cumberland with a plaque for her retirement on November 8, 2014.

Ms. Cumberland accepted the plaque and thanked the Council for their support.

B. Stanislaus County Animal Services.

A representative from the Stanislaus County Animal Service presented a cute dog currently available for adoption.

C. The Transportation Development Act and Unmet Transit Needs Process. Regina Valentine Associate Planner, Stanislaus Council of Governments gave a presentation to Council regarding the Transportation Development Act and Unmet Transit Needs Process and their public hearing schedule.

Regina Valentine representing StanCOG gave a presentation of the Transportation Development Act and Unmet Transit Needs Process

APPROVAL OF THE MINUTES of the September 22, 2014 Council Study Session. (All members present)

ACTION: It was moved by Durossette/Seconded by Ryno to approve the minutes of the September 22, 2014 City Council Study Session. Motion passed by the following vote:

AYES: Councilmembers Durossette, Kline, Lane, Ryno, Mayor Vierra

NOES: None

ABSENT: None

APPROVAL OF THE MINUTES of the October 13, 2014 Regular Council Meeting. (Councilmember Lane, Mayor Vierra absent.)

ACTION: It was moved by Kline/Seconded by Ryno to approve the Minutes of the October 13, 2014 City Council Meeting. Motion passed by the following vote:

AYES: Councilmembers Kline, Ryno, Vice Mayor Durossette

NOES: None

ABSENT: None

ABSTAIN: Councilmember Lane, Mayor Vierra

CITIZEN COMMUNICATIONS

- Carol Blomquist, Ceres Librarian, announced the activities for the month of November and stated that the Stanislaus County Library will be reorganizing in November. Ceres Library will no longer be a Regional Library but a Branch Library. Both Ms. Blomquist and Ms. Coxford will be transferring to other cities. Ceres new Branch Manager will be Bryan Sontag, who is transferring from Oakdale.

Mr. Sontag introduced himself to Council. Mr. Sontag will begin working in Ceres on November 10, 2014.

- Rene Ledbetter, representing Exit Realty, presented the Ceres Firefighters with a check for \$500.00 representing the proceeds from the Ceres Firefighter 2nd Annual Drive Thru BBQ for Breast Cancer. All net proceeds benefit the Bill and Elsie Ahlem Endowment at Emanuel Medical Center.
- Len Shepherd, resident, spoke about his participation and the success of this year’s “Fill the Boot”.
- The Ceres Fire Union presented Council and the City Manager with Breast Cancer Awareness T-Shirts.

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

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

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

APPOINTMENTS TO BOARDS/COMMISSIONS – None.

CONFLICT OF INTEREST DECLARATION – Councilmember Ryno declared a conflict with Item #6. Councilmember Ryno stated that although a direct conflict does not exist, she is uncomfortable voting on the item, because the park is named after her husband.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works Department Monthly Report for September, 2014.
 - b. Whitmore Mansion Quarterly Update.
 - c. Information Technology Division Quarterly Report, Third Quarter 2014.
2. Register of Audited Demands for period covering October 8 – 15, 2014.
3. **Resolution No. 2014-132** authorizing the termination of the Joint Exercise of Powers Agreement by and between the City of Ceres and the Ceres Unified School District and the dissolution of the Ceres Area Joint Powers Financing Authority. **PULLED FOR FURTHER DISCUSSION.**
4. Wave Second Reading and adopt **Ordinance No. 2014-1021** 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).

- 5. **Resolution No. 2014-133** ratification of appointment of Daryl Jordan to the position of Director of Engineering Services/City Engineer. PULLED FOR FURTHER DISCUSSION.
- 6. **Resolution No. 2014-134** awarding the Construction Contract for the Ryno Park Improvement Project to Rolfe Construction, authorize a 10% Contingency, and authorize the City Manager to execute the Contract. PULLED FOR CONFLICT OF INTEREST.
- 7. **Resolution No. 2014-135** approving Contract Change Order 1 for the Lift Station Control Panel Procurement Project.
- 8. **Resolution No. 2014-136** approving a Budget Amendment to transfer funds from AB109 for the purchase of a license plate reader, AB 109 overtime, and personnel training. PULLED FOR FURTHER DISCUSSION. (Ryno)

ACTION: It was moved by Durossette/Seconded by Lane to approve Consent Calendar Items 1, 2, 4 and 7 as recommended by staff. Motion passed by the following vote:

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

- 3. **Resolution No. 2014-132** authorizing the termination of the Joint Exercise of Powers Agreement by and between the City of Ceres and the Ceres Unified School District and the dissolution of the Ceres Area Joint Powers Financing Authority.

Item Pulled by Len Shepherd, resident, for clarification on the dissolution of the JPA.

ACTION: It was moved by Kline/Seconded by Lane to approve **Resolution No. 2014-132** authorizing the termination of the Joint Exercise of Powers Agreement by and between the City of Ceres and the Ceres Unified School District and the dissolution of the Ceres Area Joint Powers Financing Authority Motion passed by the following vote:

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

- 5. **Resolution No. 2014-133** ratification of appointment of Daryl Jordan to the position of Director of Engineering Services/City Engineer.

Item Pulled by Councilmember Kline who expressed concerns with various provisions in the Employment Agreement with Mr. Jordan. Other Council Members had similar concerns particularly with regard to the beginning salary step and the timing of the advancement to the next salary step.

After considerable Council discussion the following motion was made:

ACTION: It was moved by Lane/Seconded by Durossette to approve **Resolution No. 2014-133** ratification of appointment of Daryl Jordan to the position of Director of Engineering Services/City Engineer with the following modification to contract: “The salary for the EMPLOYEE will be set at Step D. Upon the return of the salary concessions for all employees, EMPLOYEE shall be eligible to move to Step E after at least six months of satisfactory service and consideration of the FY 2015/16 Budget”. Motion passed by the following vote:

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

6. **Resolution No. 2014-134** awarding the Construction Contract for the Ryno Park Improvement Project to Rolfe Construction, authorize a 10% Contingency, and authorize the City Manager to execute the Contract.

ACTION: It was moved by Durossette/Seconded by Kline to approve **Resolution No. 2014-134** awarding the Construction Contract for the Ryno Park Improvement Project to Rolfe Construction, authorize a 10% Contingency, and authorize the City Manager to execute the Contract. Motion passed by the following vote:

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

8. **Resolution No. 2014-136** approving a Budget Amendment to transfer funds from AB109 for the purchase of a license plate reader, AB109 overtime, and personnel training.

Item pulled by Councilmember Ryno expressed concern that the purchase of a license plate reader would jeopardize funds usually used to cover overtime expenses.

Mr. Wells, City Manager, assured Council that using a portion of the AB109 funds for the purchase of a license plate reader would not jeopardize the funds needed to cover overtime expenses.

ACTION: It was moved by Ryno/Seconded by Lane to approve **Resolution No. 2014-136** approving a Budget Amendment to transfer funds from AB109 for the purchase of a license plate reader, AB109 overtime, and personnel training. Motion passed by the following vote:

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

UNFINISHED BUSINESS – None.

PUBLIC HEARING – None.

NEW BUSINESS

9. **Ordinance No. 2014-1022** amending certain provisions of Title 2, Administration and Personnel, of the Ceres Municipal Code to create a separate Police Department and Fire Department and to make other changes to update the Code.

City Attorney, Mike Lyons provided an overview of the Staff Report.

8:02 P.M. Mayor Vierra opened the Public Hearing

- Len Shepherd, resident, spoke in support of the division of the Police and Fire Departments.

8:04 P.M. There being no one else wishing to speak, Mayor Vierra closed the Public Hearing.

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

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

Mayor Vierra directed the Deputy City Clerk to read the **Ordinance No. 2014-1022** by number and title only.

Ann Montgomery, Deputy City Clerk, read the following into the record:

“**Ordinance No. 2014-1022** amending certain provisions of Title 2, Administration and Personnel, of the Ceres Municipal Code to create a separate Police Department and Fire Department and to make other changes to update the Code.”

ACTION: It was moved by Lane/Seconded Ryno to approve for introduction and first reading **Ordinance No. 2014-1022** amending certain provisions of Title 2, Administration and Personnel, of the Ceres Municipal Code to create a separate Police Department and Fire Department and to make other changes to update the Code. Motion passed by the following vote:

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

10. **Resolution No. 2014-137** establishing the classification for the positions of Chief of Police and Police Captain and eliminating the positions of Chief of Police/Director of Public Safety and Deputy Police Chief.

City Manager Wells presented the Staff Report to the Council.

Council expressed concern with the elimination that the Deputy Police Chief was premature and it should be left to the new Police Chief to structure the Department.

Council also expressed concern that the salary range proposed for the Police Captain position is at the same salary range as the Deputy Police Chief. Council felt the salary range for the Police Captain should be lowered.

City Manager Wells explained that we are only creating job positions, not filling them. The salary range was chosen to be in alignment with the existing salary ranges in the Police Department.

After Council discussion, the following motion was made:

It was moved by Durossette/Seconded by Lane to approve **Resolution No. 2014-137** establishing the classification for the positions of Chief of Police and Police Captain and eliminating the positions of Chief of Police/Director of Public Safety and Deputy Police Chief. The motion passed by the following vote:

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

COUNCILMEMBER REFERRALS - None.

REPORTS

Council and Staff reported on various upcoming events including the Ceres Halloween Festival on October 31st. Deputy City Manager, Sheila Cumberland thanked Council; City Manager Wells announced Ms. Cumberland's retirement party on November 6, 2014.

City Manager Wells introduced Daryl Jordan, our new Director of Engineering/City Engineer.

Mr. Lyons reported that the Special Closed Session was held prior to the Council Meeting and there is nothing to report.

CLOSED SESSION – Canceled

CONFERENCE WITH LABOR NEGOTIATOR

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
Pursuant to Gov't. Code Section 54957.6

PUBLIC EMPLOYEE APPOINTMENT

Title: City Attorney
Pursuant to Gov't Code Section 54954.5 and 54957

8:23 P.M. There being no further business City Council Meeting was adjourned.


Chris Vierra, Mayor


Cindy Heidorn, City Clerk