

**CITY COUNCIL MEETING  
MINUTES**

**Monday, January 26, 2015**

**7:00 P.M.** Mayor Vierra called the January 26, 2015 City Council Meeting to order with the following in attendance:

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

**INVOCATION** by BillyBob Muirhead, Police Chaplain.

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

**PRESENTATIONS** - None

**CITIZEN COMMUNICATIONS**

- Bryan Sontag, Ceres Library  
Mr. Sontag provided a brief report on library activities, including an upcoming remodel, which includes a 6-week closure from March 14 - April 25, 2015.
- Leonard Shepherd – 2841 Fowler Road, #71, Ceres, CA  
Mr. Shepherd stated he was very pleased a few minutes ago when Chief Nicholes showed him the latest vehicle in the Fire Fleet, a doggy car for our K-9 fire sniffer. This was donated by the Sheriff's Department.

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

**ACTION:** It was moved by Kline/Seconded by Durossette 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** – None.

**CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Public Works Department monthly report, November and December 2014
  - b. Recreation Division monthly report, November and December 2014
  - c. Information Technology Division Quarterly Report, Fourth Quarter 2014.
2. Register of Audited Demands for period covering January 8 – January 15, 2015.

3. **Resolution No. 2015-05** approving an Exchange and Dedication Agreement between the City of Ceres and Ceres Gateway Center, LLC and Genesis Family Enterprises, Inc. for property located at the southwest corner of Service Road and Mitchell Road.
4. **Resolution No. 2015-06** approving Contract Change Order 1 for the Lift Station Modification Project.
5. Accept Developer Fee Expenditure Report Fiscal Year 2013/14.
6. **Resolution No. 2015-07** establishing the classification for the positions of Fire Chief and Recreation Manager. PULLED FOR FURTHER DISCUSSION
7. **Resolution No. 2015-08** approving an agreement between Ceres Youth Baseball and the City of Ceres for use of facilities. PULLED FOR FURTHER DISCUSSION
8. **Resolution No. 2015-09** approving the sale of real property at 2515 Lawrence Street to Ceres Unified School District.
9. **Resolution No. 2015-10** awarding the Construction Contract for the 2015 Sewer Maintenance Project Phase I, Authorize a 10% Contingency, and Authorize the City Manager to Execute the Contract.
10. **Resolution No. 2015-11** approving the Master Service Agreement with Paymentus.
11. **Resolution No. 2015-12** accepting the Construction Contract for the Whitmore Avenue Interchange Landscape Project as substantially complete and releasing the retention.
12. **Resolution No. 2015-13** approving the Agreement with Intuit Mint Bills to provide mobile bill payment services for utility accounts.

**ACTION:** It was moved by Lane/Seconded by Ryno to approve Consent Calendar Items 1a, b, c, 2, 3, 4, 5, 8, 9, 10, 11 and 12 as recommended by staff. Motion passed by the following vote:

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

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

6. **Resolution No. 2015-07** establishing the classification for the position of Fire Chief and Recreation Manager.

Item pulled by Council Member Ryno, inquiring why the Fire Chief position is ranked the same as the Director of Human Resources and the Director of Community Development. City Manager, Toby Wells provided an explanation. Council Member Ryno recommended that the salary range for the Fire Chief position should be changed from J88 to J90.

The public hearing was opened at 7:19 p.m.

Leonard Shepherd remarked that the Fire Chief position is one that has a great deal of responsibility.

Eileen Pratt asked if the compensation that is proposed, would be a promotion or a demotion for that person. Mr. Wells explained that this is a new position.

The public hearing was closed at 7:22 p.m.

Council Member Ryno also inquired if moving a Recreation Coordinator into an Interim Recreation Manager position; will that affect the workload of the department. Mr. Wells responded that it will only affect the workload of that individual.

**ACTION:** It was moved by Ryno/Seconded by Durossette to approve **Resolution No. 2015-07** establishing the classification for the position of the Fire Chief be changed to Salary Range J90 and establishing the classification for the position of Recreation Manager. Motion passed by the following vote:

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

7. **Resolution No. 2015-08** approving an agreement between Ceres Youth Baseball and the City of Ceres for use of facilities.

Item pulled by Council Member Kline, asking if we can adjust the agreement to have the disclosures and accounting reported to the City in September/October, so when the contract comes up for renewal, all the information is there. Mr. Wells stated per council direction at a recent study session, we left everything the same. Also CYB is still utilizing the fields for tournaments, etc. at that time and their books aren't necessarily closed. Council Member Kline suggested that we look at timing next year.

The public hearing was opened at 7:29 p.m.

There being no comments, the public hearing was closed at 7:29 p.m.

**ACTION:** It was moved by Kline/Seconded by Lane to approve **Resolution No. 2015-08** approving an agreement between Ceres Youth Baseball and the City of Ceres for use of facilities. Motion passed by the following vote:

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

**UNFINISHED BUSINESS** - None

**PUBLIC HEARING** - None

**NEW BUSINESS**

13. **Resolution No. 2015-14** approving the execution of a Water Service Agreement between the City of Ceres, Monterey Park Tract Community Services District and Stanislaus County.

City Manager, Toby Wells presented a brief staff report.

The public hearing was opened at 7:32 p.m.

There being no comments, the public hearing was closed at 7:32 p.m.

**ACTION:** It was moved by Durossette/Seconded by Ryno to approve **Resolution No. 2015-14** approving the execution of a Water Service Agreement between the City of Ceres, Monterey Park Tract Community Services District and Stanislaus County. Motion passed by the following vote:

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

14. Public Hearing to consider **Ordinance No. 2015-1024** and **Ordinance No. 2015-1025** for two zoning Ordinance Text Amendments (14-12 ZOTA and 14-13 ZOTA) to amend the City Zoning Ordinance to implement programs as part of the Ceres 2009-2014 Housing Element relating to a Second Unit Ordinance and the existing Density Bonus Ordinance.

Director of Community Development, Tom Westbrook presented the staff report.

The public hearing was opened at 7:39 p.m.

There being no comments, the public hearing was closed at 7:39 p.m.

**ACTION:** It was moved by Lane/Seconded by Ryno to waive first reading and have **Ordinance No.’s 2015-1024 and 2015-1025** read by title and number only. Motion passed by the following vote:

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

Mayor Vierra directed the Acting City Clerk to read Ordinance No.’s 2015-1024 and 2015-1025 by number and title only.

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

“Ordinance No. 2015-1024, Ordinance amending Title 18 of the Ceres Zoning Ordinance to modify Sections 18.10.060, 18.12.060, 18.14.060, 18.16.060, 18.18.060, and 18.20.040 of the Ceres Municipal Code to create a second dwelling unit ordinance as part of the City of Ceres 2009-2014 Housing Element.”

“Ordinance No. 2015-1025, Ordinance amending Title 18 of the Ceres Zoning Ordinance to amend Sections 18.90.020, 18.90.030, and create a new section 18.90.080 of the City of Ceres Municipal Code, to update the City’s existing Density Bonus Program as Part of the City of Ceres 2009-2014 Housing Element.”

**ACTION:** It was moved by Lane/Seconded by Ryno to approve for introduction and first reading, **Ordinance No.’s 2015-1024 and 2015-1025**, for two zoning Ordinance Text Amendments (14-12 ZOTA and 14-13 ZOTA) to amend the City Zoning Ordinance to implement programs as part of the City of Ceres 2009-2014 Housing Element relating to a Second Unit Ordinance and the existing Density Bonus Ordinance. Motion passed by the following vote:

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

**COUNCILMEMBER REFERRALS – None**

**REPORTS**

Council Member Lane announced the upcoming Lions Club Omelet Breakfast to support scholarships for local students, on Saturday, January 31<sup>st</sup> from 6:30 a.m. – noon at American Legion Hall.

Mr. Wells reported some recent vacancies; the Tuolumne River Regional Park Citizens Advisory Committee, the Turlock Mosquito Abatement District, and the Planning Commission. These will be advertised on our website and in the Courier, and we hope to get these positions filled in the very near future.

Mr. Wells announced that we received the actual filed Appeal from the Citizens for Ceres on the Mitchell Ranch project this afternoon. That will add a considerable amount of time to the overall process. This is obviously disappointing, but not unexpected.

Supervisor DeMartini thanked Council for approving the Water-Service Agreement with Stanislaus County and the Monterey Park Tract. This is a good example of municipal governments working together to solve an ongoing problem.

**7:49 P.M.** There being no further business, the City Council meeting was adjourned.

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Chris Vierra, Mayor

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Ann Montgomery, Acting City Clerk