

**CITY COUNCIL MEETING
MINUTES**

Monday, March 23, 2015

7:03 P.M. Mayor Vierra called the March 23, 2015 City Council Meeting to order with the following in attendance:

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

INVOCATION by Pastor Robert Cole, Berean Baptist Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra.

PRESENTATIONS

- A. Mayor Vierra presented a plaque honoring Bob Caulton for serving 37 years on the Turlock Mosquito Abatement District Board of Trustees.
- B. Mayor Vierra presented a plaque to Leonard Shepherd recognizing his 14 years of service on the Tuolumne River Regional Park Citizens Advisory Committee.

APPROVAL OF THE MINUTES

ACTION: It was moved by Kline/Seconded by Durossette to approve the Minutes from the Study Session of January 26, 2015. Motion passed by the following vote:

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

CITIZEN COMMUNICATIONS

- Brandy Meyer – representing the Tuolumne Regional River Park Committee

Ms. Meyers provided informational flyers regarding the American Legion Hall in Modesto, which is in serious need of repair. The TRRP committee would like to stop the possible demolition of this building, and are raising funds to make the necessary repairs. The amount of repairs will be well over \$100,000, but the Legionnaires are committed to paying half of the expenses. They are starting off with a Spring Gala fundraiser on May 9th and the TRRP committee is asking for the Council's support in saving this "beautiful diamond in the rough."

- Leonard Shepherd, 2841 Fowler Road #71, Ceres, CA

Mr. Shepherd stated that he was really bothered at the last meeting, when the consultant stated that no matter what we do we're going to get District Elections, whether the people like it or not. He also mentioned that less than 23% of the eligible voters, voted in the last election.

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

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

AYES: Council Members Durossette, Kline, Lane, Ryno, Mayor Vierra

NOES: None

ABSENT: None

APPOINTMENTS TO BOARDS/COMMISSIONS

Council concurrence of Mayor Vierra’s recommendation to appoint Larry Showen to the Turlock Mosquito Abatement District.

7:23 P.M. Mayor Vierra opened the Public Hearing.

7:23 P.M. There being no comments, the Public Hearing was closed.

ACTION: It was moved by Durossette/Seconded by Lane to approve Mayor Vierra’s appointment of Larry Showen to the Turlock Mosquito Abatement District. Motion passed by the following vote:

AYES: Council Members Durossette, Kline, Lane, Ryno, Mayor Vierra

NOES: None

ABSENT: None

CONFLICT OF INTEREST DECLARATION – None

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works monthly report for February 2015.
 - b. Recreation Division monthly report for February 2015.
 - c. Major Project Update, March 23, 2015.
 - d. Capital Improvement Projects (CIP) Update, March 23, 2015.
2. Register of Audited Demands for period covering March 4 – March 12, 2015.
3. **Resolution No. 2015-31** declaring Council’s concurrence and support of the Stanislaus County FY 2015/16 Community Development Block Grant (CDBG) Annual Action Plan (AAP).
4. **Resolution No. 2015-32** sale of Real Property of Assessor’s Parcel Number 040-008-011 (2230 Herndon Road).
5. Set public hearing date of April 13, 2015, for the City Council to consider an amendment to the Westpointe 4 Subdivision to eliminate the affordable housing condition of approval for both the previously approved Planned Community Development Plan (04-42 PCDP) and the Vesting Tentative Subdivision Map (04-43 VTSM) entitlements.

6. **Resolution No. 2015-33**, accepting the Morrow Tract – San Ramon Estates 2 & Palm Estates CDBG Improvement Project, Approve the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and retention release to the Contractor. (PULLED FOR FURTHER DISCUSSION)
7. **Resolution No. 2015-34**, awarding the Construction Contract for the Whitmore and Smyrna Park ADA and Restroom Upgrades Project to Breneman Inc., authorize a 10% Contingency, and authorize the City Manager to Execute the Contract. (PULLED FOR FURTHER DISCUSSION)
8. **Resolution No. 2015-35**, approving the contract with Garrett Thompson Construction, Inc. for Street Sweeping Services for the City of Ceres and Authorize the City Manager to execute the contract. (PULLED FOR FURTHER DISCUSSION)
9. **Resolution No. 2015-36**, awarding the Construction Contract for the Sixth Street Well No. 27 Rehabilitation/Pump Replacement Project to Don Pedro Pump, Inc., authorize a 10% Contingency, and authorize the City Manager to Execute the Contract.

ACTION: It was moved by Durossette/Seconded by Ryno to approve Consent Calendar Items 1a, b, c, d, 2, 3, 4, 5 and 9 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 ITEMS(S) REMOVED FROM THE CONSENT CALENDAR

6. **Resolution No. 2015-33**, accepting the Morrow Tract – San Ramon Estates 2 & Palm Estates CDBG Improvement Project, Approve the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and retention to the Contractor.

Item pulled by Council Member Kline requesting clarification from Mr. Jordan of how the installation of the remaining 15 of the 70 ADA ramps was going to be completed. City Engineer, Daryl Jordan explained that typically on the annual CDBG projects, they would incorporate any projects they were not able to complete in the previous year, in the following year, using those same funds.

ACTION: It was moved by Kline/Seconded by Ryno to approve Resolution No. 2015-33, accepting the Morrow Tract – San Ramon Estates 2 & Palm Estates CDBG Improvement Project, Approve the Balancing Contract Change Order, Authorizing the filing of the Notice of Completion and retention release to the Contractor. Motion passed by the following vote:

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

7. **Resolution 2015-34**, awarding the Construction Contract for the Whitmore and Smyrna Park ADA and Restroom Upgrades Project to Breneman, Inc., authorize a 10% Contingency, and authorize the City Manager to Execute the Contract.

Item pulled by Council Member Kline requesting clarification as to why these projects weren't put out for bid separately, since it is for two different locations. Mr. Jordan explained in situations like this when we have similar projects, we are able to save money by combining them. Council Member

Kline further inquired if the conversion of the existing restrooms to storage is included in the bid process. Mr. Jordan clarified that the process includes taking care of the plumbing and getting everything removed from the current facilities.

ACTION: It was moved by Kline/Seconded by Lane to approve Resolution No. 2015-34, awarding the Construction Contract for the Whitmore and Smyrna Park ADA and Restroom Upgrades Project to Breneman, Inc., authorize a 10% Contingency, and authorize the City Manager to Execute the Contract. Motion passed by the following vote:

AYES: Council Members Durossette, Kline, Lane, Ryno, Mayor Vierra

NOES: None

ABSENT: None

8. **Resolution No. 2015-35**, approving the contract with Garrett Thompson Construction, Inc. for Street Sweeping Services for the City of Ceres and Authorize the City Manager to execute the contract.

Item pulled by Jason Browne, General Manager for Contract Sweeping Services. Mr. Browne remarked that his company is the most qualified for the job, although they were not the lowest bidder. He asked the Council to check work history and compare references prior to voting on this contract.

Mayor Vierra confirmed with staff that the City went through the process. Mr. Wells clarified that we did, and stated that if Contract Sweeping Services wants to protest a bid, they need to file a bid protest, which they did not do.

Rick Richardson representing Advanced Building Cleaners/ABC Sweeping. Mr. Richardson stated his company currently provides street sweeping services for Ceres. His company was in the process of negotiating with the City, and they were unaware that the contract went out for bid, as they were not given a bid packet. He would like to ask the Council to accept the bid proposal he is submitting this evening. Mr. Wells stated that it was publically noticed on the City's website, available for anyone to see.

Council discussion ensued.

ACTION: It was moved by Kline/Seconded by Mayor Vierra to approve Resolution No. 2015-35, approving the contract with Garrett Thompson Construction, Inc., for Street Sweeping Services for the City of Ceres and Authorize the City Manager to execute the contract. Motion failed by the following vote:

AYES: Council Member Kline, Mayor Vierra

NOES: Council Members Durossette, Lane, Ryno

ABSENT: None

During the discussion that continued with Council and staff, it was pointed out that the reason this contract was being negotiated and then placed out for bid, was because there were issues with the service that ABC Sweeping was providing to the City.

ACTION: It was moved by Ryno/Seconded by Kline to reconsider the previous vote for Resolution No. 2015-35, approving the contract with Garrett Thompson Construction, Inc., for Street Sweeping Services for the City of Ceres and Authorize the City Manager to execute the contract. Motion passed by the following vote:

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

ACTION: It was moved by Ryno/Seconded by Kline to adopt Resolution No. 2015-35, approving the contract with Garrett Thompson Construction, Inc., for Street Sweeping Services for the City of Ceres and Authorize the City Manager to execute the contract. Motion passed by the following vote:

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

UNFINISHED BUSINESS - None

PUBLIC HEARING - None

NEW BUSINESS

10. Presentation of Initial Draft Plans for adjusting Council District Boundaries.

City Attorney, Tom Hallinan stated that at the last City Council meeting on March 9, 2015, Council approved the criteria to prepare the Draft Plan. Tonight Doug Johnson, consultant from National Demographics Corporation has returned to present the Initial Draft Plan for Council's consideration and possible direction.

Mr. Johnson presented the Compact Test map and three proposed draft maps. He also explained the requirements of the Federal Voting Rights Act, and the criteria for the division of districts.

Council discussion ensued.

8:13 P.M. Mayor Vierra opened the Public Hearing.

- Leonard Shepherd, 2841 Fowler, #71, Ceres, CA

Mr. Shepherd suggested that suppose in 2019, with everything in place, two of the districts don't have anyone representing them, or perhaps one of the Council Members is elected with only ten votes due to poor voter turnout. Is there something we can do, to tell the people we're here to serve all the citizens. This idea of District Elections doesn't make sense to him. He reminded the Council that they took an oath to serve all the citizens of Ceres.

- Brandy Meyer

Ms. Meyer requested clarification, that we are going to District Elections to avoid a potential law suit. She also inquired why maps 2, 3 and 4 were drawn based on a race in our city.

Mr. Johnson explained the maps are drawn based on a number of criteria. The Federal Voting Rights Act, which says if there's a concentration of what the law calls a "protected class," which Latinos, African-Americans, Native-Americans and Asian-Americans qualify, and a "majority seat" can be drawn that's relatively compact, that would be the "Safe Haven" from the Federal Law. Draft Maps 2, 3 and 4 meet that requirement and are therefore recommended.

- Ken Groves, 1909 5th Street, Ceres, CA

Mr. Groves asked if the Latino population that the new districting is based on, is based on full-blooded Latinos, or is there another formula using half-blood, quarter-blooded Latinos.

Mr. Johnson explained that the census counts of all ethnic groups are all by self-declaration. There are also some registration and turn-out data in the data sheets based on surnames, so obviously there's a much larger margin of error.

Mr. Groves further inquired if we would have to go through another declaration of districts if the situation arose similar to when Anthony Cannella left office early and we were limited to 4 Council Members for a short period of time.

Mr. Johnson explained that the districts wouldn't have to be redrawn at that time; Council can appoint or hold a special election with the one condition, that if the Council Member was elected from a certain district, the replacement would have to come from that same district.

- Christina Rodriguez – 721 Avon Street, Ceres, CA

Ms. Rodriguez stated she is representing the Latino Community Roundtable, where she serves as Ways and Means. She thanked the Council for moving forward with district elections and reassured them that the LCR is here to assist the Council in any way to make the transition from "At Large" elections to District Elections easier on the Council and the voters in Ceres.

8:22 P.M. There being no further comments, Mayor Vierra closed the Public Hearing.

ACTION: It was moved by Durossette/Seconded by Kline to move forward with the next step in the process, public outreach, and changing the date of the first public forum from March 31st to April 2nd, 2015. Motion passed by the following vote:

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

Brief discussion ensued regarding possible dates of public forums.

ACTION: It was moved by Ryno/Seconded by Kline that the date of the first community forum be Thursday, April 2nd and the second community forum be Saturday, April 11th. Motion passed by the following vote:

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

11. **Resolution No. 2015-37**, adoption of a Resolution opposing proposed amendments to the Agricultural Mitigation Policy by Stanislaus County Local Agency Formation Commission (LAFCO).

Toby Wells, City Manager presented the staff report, explaining the background.

8:40 P.M. Mayor Vierra opened the Public Hearing.

- Jim De Martini – County Supervisor and Chairman of LAFCO

Mr. De Martini explained that he wants to be sure the Council understands what they're voting on. The preservation plan that LAFCO has is already in place; the change in the policy would just be how to calculate the in-lieu-of fee. The LAFCO hearing will be on Wednesday evening, March 25th at 6 p.m.

Discussion ensued.

9:02 P.M. There being no further comments, Mayor Vierra closed the Public Hearing.

ACTION: It was moved by Lane/Seconded by Ryno to approve Resolution No. 2015-37, adopting a Resolution opposing proposed amendments to the Agricultural Mitigation Policy by Stanislaus County Local Agency Formation Commission (LAFCO). Motion passed by the following vote:

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

COUNCILMEMBER REFERRALS - None

REPORTS

Council Member Ryno:

- inquired if the vacant triangle at Whitmore and Central Avenues is still owned by Cal Trans. City Manager Wells confirmed that it is, and Cal Trans is still working on the appraisal. As an adjacent property owner, the City will get first right for that property.
- announced that Love Ceres is coming up on April 18th. She has flyers, if anyone is interested, There are many different projects to choose from; you can also go to www.loveceres.com to choose a project and sign up.

Council Member Lane announced that Michael Phipps passed away yesterday. The services will be at 11 a.m. on Saturday at Richland Faith on Richland Avenue.

City Manager, Toby Wells announced:

- Cal Trans will be starting the process of trimming the oleanders, from Whitmore Avenue up to Kansas Avenue and also repairing the fence.
- The "Swearing-In" Ceremony for Fire Chief Bryan Nicholes is scheduled for Monday, March 30th at 5:30 p.m.
- CYB Opening Day is this Saturday.

City Engineer, Daryl Jordan provided an update on River Bluff Expansion project; we'll be beginning the demolition on the existing entrance this week and re-routing to a brand new entrance just to the west of the entrance on Hatch Road.

Redevelopment and Economic Development Manager, Steve Hallam reported that the Ceres Chamber of Commerce is partnering with the City of Ceres and through EPIC, we've created a strategic partnership with Ceres Unified School District in an effort to strengthen the connection between these local agricultural related businesses, the school district and students that participate in

the Ag tech related pathway programs. Mr. Hallam announced that on April 22nd, the City and the Chamber will host the next EPIC workshop. It's a two-hour event to provide information and an exchange of ideas between the City, school district, the Alliance, and these local business leaders in the ag tech industry. More details about the EPIC luncheon workshop can be found at the Ceres Chamber of Commerce website as well as the City of Ceres Economic Development Facebook page.

9:09 P.M. There being no further business, the meeting was adjourned.

Chris Vierra, Mayor

Ann Montgomery, Acting City Clerk