

**CITY COUNCIL MEETING
MINUTES**

Monday, April 27, 2015

7:02 P.M. Mayor Vierra called the April 27, 2015 City Council Meeting to order with the following in attendance:

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

INVOCATION by Pastor Richard Conners, First Baptist Church.

PLEDGE OF ALLEGIANCE to the flag led by Mayor Vierra.

PRESENTATIONS

- A. Proclamation honoring IC Refrigeration's 75th Anniversary. Mayor Vierra presented Dick and Rich Imfeld a Proclamation certificate in recognition of IC Refrigeration's 75 years in business.
- B. Proclamation declaring April 2015 as California Safe Digging Month. Thomas Reeves from PG&E accepted the certificate and thanked Mayor Vierra, Council and City Manager Wells for their support.

ACTION: It was moved by Kline/Seconded by Ryno to approve the Minutes from the Regular Meeting of March 9, 2015. Motion passed by the following vote:

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

NOES: None

ABSENT: None

CITIZEN COMMUNICATIONS

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

Mr. Shepherd stressed how important it is to check before digging, relaying an incident that happened in San Mateo County several years ago when he was Battalion Chief.

- Don Donaldson, 2305 Joy Avenue, Ceres, CA

Mr. Donaldson inquired about the completion of the boat doc below the soccer fields at River Bluff, in addition to his concerns with compliance of codes, noting the lights on after 10 p.m. at Costa Fields.

- Renee Ledbetter, Ceres Chamber Board President

Ms. Ledbetter reminded everyone that this weekend is the annual Ceres Street Faire.

Ms. Ledbetter also announced that the AgriBusiness Luncheon is coming up on May 28th and the Chamber is accepting nominations for Man and Woman of the Year and Business of the Year.

- Sheila Brandt – 2104 Hale Aloha Way, Ceres, CA

Mrs. Brandt thanked those who participated last weekend in Relay for Life.

Mrs. Brandt and her husband worked at the lower terrace at River Bluff during the Love Ceres event. Several of the participants would like to continue working on that area, perhaps once a month, and she inquired what the process would be to obtain access and be permitted to be there. Mr. Wells advised that she or a representative from that group see him and he would work something out with the Public Works Director.

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 Cheryl Carpenter to the Tuolumne River Regional Park Citizens Advisory Committee.

ACTION: It was moved by Lane/Seconded by Kline to approve Mayor Vierra's appointment of Cheryl Carpenter to the Tuolumne River Regional Park Citizens Advisory Committee. Motion passed by the following vote:

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

NOES: None

ABSENT: None

CONFLICT OF INTEREST DECLARATION – None

7:26 P.M. Mayor Vierra adjourned the City Council Meeting to a meeting of the Successor Agency of the Former Ceres Redevelopment Agency.

7:29 P.M. Reconvened as City Council.

CONSENT CALENDAR

1. General Correspondence – **Information Only**
 - a. Public Works monthly report for March 2015.
 - b. IT Quarterly Report, First Quarter 2015.
2. Register of Audited Demands for period covering April 8 – April 15, 2015.
3. Resolution No. 2015-42, Ratifying Side Letter Agreement to the Ceres Public Safety Managers and City of Ceres Agreement Regarding Contractual Overtime Wages Paid Pursuant to a State Grant for Lieutenant Christopher Perry.
4. Resolution No. 2015-43, authorizing the purchase of two pre manufactured restroom facilities from the Public Restroom Company, and Authorize the City Manager to Execute the Contract. (PULLED FOR FURTHER DISCUSSION).
5. Resolution No. 2015-44, approving Contract Change Order 2 for the Lift Station Modification Project.

6. Set Public Hearing date of May 11, 2015 for the consideration and adoption of an ordinance to increase the Transient Occupancy Tax.

ACTION: It was moved by Kline/Seconded by Ryno to approve Consent Calendar Items 1a, b, 2, 3, 5 and 6 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

4. **Resolution No. 2015-43, authorizing the purchase of two pre manufactured restroom facilities from the Public Restroom Company, and Authorize the City Manager to Execute the Contract.**

Item pulled by Council Member Ryno to inquire about the material these facilities are made out of and clarifying that there will be a definite separation between the boys and girls sides of the restrooms.

City Engineer, Daryl Jordan explained that the materials used are conducive to easy graffiti removal and confirmed that there is a definite separation of sides.

ACTION: It was moved by Ryno/Seconded by Durossette to approve Resolution No. 2015-43, authorizing the purchase of two pre manufactured restroom facilities from the Public Restroom Company, 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

UNFINISHED BUSINESS - None

NEW BUSINESS

7. **Approval of the Memorandum of Understanding for the Regional Solid Waste Disposal Plan between the City of Ceres and Stanislaus County and authorize the City Manager to execute the same.**

Mr. Wells presented the staff report.

7:36 P.M. Mayor Vierra opened the Public Hearing.

7:36 P.M. There being no comments, the Public Hearing was closed.

ACTION: It was moved by Durossette/Seconded by Ryno to approve the Memorandum of Understanding for the Regional Solid Waste Disposal Plan between the City of Ceres and Stanislaus Count and authorize the City Manager to execute the same. Motion passed by the following vote:

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

NOES: None

ABSENT: None

8. Governor Brown's Executive Order B-29-15 imposing restrictions for statewide Water Conservation.

Jeremy Damas, Interim Public Works Director provided a power point presentation explaining the Governor's Executive Order that was issued on April 1, 2015, requiring a 25% water reduction. He further explained what the City has done already with regards to water conservation. Mr. Damas presented some options for Council to consider, including moving to Drought Stage 2 or 3, approving additional rebate programs and increasing fines.

Council discussion ensued.

8:20 P.M. Mayor Vierra opened the Public Hearing.

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

Mr. Shepherd remarked that because he lives in a mobile home park, he's not on a metered system; however, he wishes that he were. He has gone to a drip system, has a few rose bushes and red rock landscaping. He feels that Ceres is doing a great job at conserving water compared to some neighboring cities and Sacramento, especially.

- Frank Johnson, President of Modesto Chapter NAACP

Mr. Johnson explained the some of the health reasons for washing down the perimeters of restaurants. He also commented on the issue of a lot of public money being spent on dealing with the drought situation. He inquired if these policies and the increase in funding and charges; are they going to stay in place once the rains and the water come back. What's in place to revert back to getting out of people's homes and invading their right to privacy?

Mayor Vierra responded that those are valid questions and he doesn't know.

- Maggie Mejia, President of Latino Community Roundtable

Ms. Mejia had the privilege of attending the Water Hearings this morning in Sacramento. We are in a serious situation in the state. We need to cut back in every city. She suggested that we remind the non-profit groups to please cut back on car wash fundraisers.

- Don Donaldson, 2305 Joy Avenue, Ceres, CA

Mr. Donaldson suggested that we build evaporators where the oceans are and pump water to Shasta and Don Pedro.

8:28 P.M. There being no further comments, the Public Hearing was closed.

Mayor Vierra clarified this was an informational item.

City Manager Wells asked if there are other items that Council would like staff to consider, or to remove some of the options that Mr. Damas presented. Mayor Vierra stated that everything is in play. Mr. Wells also expressed his concern with the language of the Executive Order, with the way they are going to implement this, with meetings with regulators on a monthly basis. We're using less water today than we were in 1996; 15,000 more people and 44% less water usage than 2008.

PUBLIC HEARING

9. Consider Resolution 2015-45, enacting a West Landing Specific Plan Reimbursement Fee.

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

Mr. Westbrook clarified the insertion of two words, "simple interest," into the verbiage of Resolution 2015-45, on page two. He read the pertinent paragraph into the record, "*Now therefore it be resolved, that based upon the evidence contained within the staff report as presented at the City Council Meeting of April 27, 2015, the City Council of the City of Ceres hereby enacts a West Landing Specific Plan and EIR Reimbursement Fee of \$2,240.58 per acre, in which said fee shall be subject to the escalation of 1.5% annually (simple interest) on July 1st of each year, with such fee being paid to the City of Ceres at the time when building permits are issued and that such fees only be imposed on new development projects on the properties within the West Landing Specific Plan area as specified herein.*"

8:41 P.M. Mayor Vierra opened the Public Hearing.

- Jim Duarte, property owner

Mr. Duarte expressed his concerns about not being informed of the reimbursement fee or agreeing to it. Discussion ensued with Mr. Duarte and Mayor Vierra.

- Dave Romano – spoke on behalf of the applicants

Mr. Romano explained this is a traditional process; basically a development fee.

Council Member Kline explained this further, as it was explained to him this morning by Mr. Wells and Mr. Westbrook.

Council discussion ensued with Mr. Duarte.

City Attorney, Tom Hallinan clarified that this basically is based on equity; what's fair. The property owner only pays the fee if he develops and that's because his neighbor paid for the common benefit he receives from the planning that was done.

9:07 P.M. There being no further comments, the Public Hearing was closed.

ACTION: It was moved by Durossette/Seconded by Lane to approve Resolution 2015-45, enacting a West Landing Specific Plan Reimbursement Fee, taking the "simple interest" off.
Motion passed by the following vote:

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

NOES: None

ABSENT: None

10. First Public Hearing Regarding Potential Maps for Council District Boundaries.

City Attorney, Tom Hallinan introduced the item and Doug Johnson, Consultant from National Demographics Corporation. Mr. Johnson explained the three draft maps, stating that all three maps meet the requirements.

9:17 P.M. Mayor Vierra opened the Public Hearing.

- Maggie Mejia – President of the Latino Community Roundtable

Ms. Mejia remarked that she doesn't live in Ceres, but has looked at all the maps and still stands with Map 3 as her recommendation.

- Frank Johnson, President of Modesto Chapter NAACP

Mr. Johnson stated that the best map he has seen so far is Map 3.

- Ramon Mendez, 2809 10th Street, Ceres, CA

Mr. Mendez commented that he understands that nobody wants district elections. There is a group going around suing the cities for them and Modesto has already lost over \$3 million fighting this group. He reminded Council that they represent the City of Ceres, not just their neighborhood.

- Don Donaldson – 2305 Joy Avenue, Ceres, CA

Mr. Donaldson stated that he is a Veteran of the U.S. Navy. This is America; we're all Americans. We don't have to have district boundaries and borders. He disapproves of District Elections and feels this is not right. All people are created equal.

- Lee Brandt – 2106 Hale Aloha Way, Ceres, CA

Mr. Brandt remarked that he is leaning towards Map 6, but it's up to the Council to decide.

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

Mr. Shepherd feels that whoever is elected, takes the oath to serve the community; to represent and serve everyone.

9:25 P.M. There being no further comments, the Public Hearing was closed.

Council discussion ensued.

9:37 P.M. Mayor Vierra opened the Public Hearing.

- Maggie Mejia, President of the Latino Community Roundtable

Ms. Mejia explained that we started this because this is the California Voting Rights Act. We didn't want Ceres to experience a lawsuit. LCR wants to help and to comply with the law.

- Frank Johnson, President of Modesto Chapter NAACP

Mr. Johnson commented that this is about communities that haven't been represented.

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

Mr. Groves remarked that we need representatives that are going to be sensitive to diverse communities, but yet also sensitive to the American people's right to vote and that outcome to be respected and not manipulated.

9:42 P.M. There being no further comments, Mayor Vierra closed the Public Hearing.

ACTION: It was moved by Council Member Kline to accept Draft Map 2. Motion died due to lack of a second.

ACTION: It was moved by Council Member Lane/Seconded by Durossette to accept Draft Map 3. Motion approved by the following vote:

AYES: Council Members Durossette, Lane, Mayor Vierra

NOES: Council Members Kline, Ryno

ABSENT: None

City Attorney, Tom Hallinan requested that a Roll Call Vote be taken for the record.

Mayor Vierra asked the Clerk to call the vote.

Acting City Clerk, Ann Montgomery conducted the Roll Call Vote.

COUNCILMEMBER REFERRALS

Council Member Ryno was contacted by someone who is interested in the Plastic Bag Ban Ordinance.

City Manager Toby Wells suggested that we include that in the May Study Session with other ordinances that we're looking for Council direction on.

REPORTS

Mayor Vierra reported that Love Ceres was a very successful event, and appreciated all that came out and participated.

Council Member Ryno stated that she also participated in Love Ceres and had the hardest working group.

Vice Mayor Durossette reported that the Relay for Life on Saturday was a great event; largest fundraiser in the City. He thanked all for attending.

Council Member Lane was also at the Relay for Life event and got several pies thrown at him! He also reminded everyone about the Ceres Street Faire this weekend.

Redevelopment and Economic Development Manager, Steve Hallam reported on the EPIC luncheon last Wednesday. He thanked the Chamber of Commerce for partnering with the City. The program focused on the Ceres Unified School District's Career Technical Pathways in Ag Tech and Ag Science. We made some brand new connections between local Ag related businesses and teacher coordinators to connect students with Ag related businesses in our area for mentoring career opportunities and internships.

9:51 P.M. There being no further business, the meeting was adjourned.

APPROVE:



Chris Vierra, Mayor

ATTEST:



Lori Frontella, MMC
City Clerk