

# CITY COUNCIL MEETING MINUTES

**Monday, May 11, 2015**

**7:03 P.M.** Mayor Vierra called the May 11, 2015 City Council Meeting to order with the following in attendance:

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

**EXCUSED** Council Member Ryno

**INVOCATION** by Pastor Anil Kanda, Ceres Seventh-day Adventist Christian Church.

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

## **PRESENTATIONS**

- A. Proclamation declaring May as Asthma Awareness Month on behalf of the Stanislaus County Asthma Coalition. Mary Martinez, Project Coordinator from the Stanislaus County Asthma Coalition accepted the proclamation, briefly explained some of the programs the Coalition oversee, and thanked the Mayor and Council for their support.

## **CITIZEN COMMUNICATIONS**

- Ryan Thornberry, 2024 Cadzand Court, Ceres, CA

Mr. Thornberry thanked the Council for hearing him this evening, noting he is representing his family. He reported that they are currently in escrow to purchase River Oaks Golf Course, and explained their intentions with the property are to provide a quality, clean and safe environment for the community to play golf. He also noted that River Oaks has been an integral part of the Ceres community and his family's history for many years, and they would like to return the course to its previous condition.

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

Mr. Shepherd remarked that he is glad to see something besides soccer, football and baseball in Ceres, and commended the Thornberry Family for wanting to keep the golf course.

Mr. Shepherd also noted the big fields of dry grass in the City and encouraged contacting the property owners to clean them up.

- Kenneth Coronado

Mr. Coronado expressed his frustration with being denied water service at his home, due to not having a current California identification card. Mayor Vierra advised that he meet with the City Manager to see what can be done.

- Jim Bergamaschi, 1524 Kinser Road, Ceres, CA

Mr. Bergamaschi noted that he is representing the Historical Society. They would like to restore or paint the Ceres Water Tower and inquired whom he should contact. Mayor Vierra directed him to speak to the City Manager, Toby Wells at the conclusion of the meeting. Mr. Wells commented that

it's not as simple as merely painting the tower, seeing that there are structural challenges that need to be addressed, and the cost to restore the tower is estimated to be approximately \$800,000.

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

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

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

**NOES:** None

**ABSENT:** Council Member Ryno

**APPOINTMENTS TO BOARDS/COMMISSIONS - None**

**CONFLICT OF INTEREST DECLARATION – None**

### **CONSENT CALENDAR**

1. General Correspondence – **Information Only**
  - a. Recreation Division Monthly Report for March 2015.
  - b. Redevelopment and Economic Development Division Monthly Report for April 2015.
  - c. Informational Memo regarding Costa Field Lighting.
  - d. Whitmore Mansion Quarterly Update.
2. Register of Audited Demands for period covering April 21, 2015 through April 29, 2015.
3. Resolution No. 2015-46, awarding the Construction Contract for the Generator Replacement for the City of Ceres Police Department to Day's Generator Service, Inc., Authorize a 10% Contingency, approve the Budget Amendment and authorize the City Manager to execute the contract. (PULLED FOR FURTHER DISCUSSION).
4. Resolution No. 2015-47, approving the City of Ceres Transportation Development Act Claim for transit purposes and authorizing the City Manager to sign and submit the claim to the Stanislaus Council of Governments.
5. Resolution No. 2015-48, approving a Budget Amendment to transfer funds from the AB109 account to the General Fund for the police dispatch move and upgrade project. (PULLED FOR FURTHER DISCUSSION).
6. Resolution No. 2015-49, accepting the Construction Contract for the Ryno Park Improvement Project as substantially complete, Authorizing the filing of the Notice of Substantial Completion and Retention Release to the Contractor except the maintenance item.

**ACTION:** It was moved by Durossette/Seconded by Lane to approve Consent Calendar Items 1a, b, c, d, 2, 4 and 6 as recommended by staff. Motion passed by the following vote:

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

**NOES:** None

**ABSENT:** Council Member Ryno

**CONSIDERATION OF ITEMS(S) REMOVED FROM THE CONSENT CALENDAR**

3. Resolution No. 2015-46, awarding the Construction Contract for the Generator Replacement for the City of Ceres Police Department to Day's Generator Service, Inc., Authorize a 10% Contingency, approve the Budget Amendment and authorize the City Manager to execute the contract.

Item pulled by Council Member Kline to ask City Engineer, Daryl Jordan if the capacity of the generator will be sufficient, with all the upgrades that are planned and if he has any idea of the kilowatts that aren't going to be used or needed. Mr. Jordan confirmed and explained we are moving to the larger kilowatt system, noting it's designed to about 90-95% capacity at worst case, so we do have a little bit of extra capacity with all the new equipment that is being installed. He noted that the larger system is required with the new equipment and that Ceres is the fallback position for the County, in case of a crisis situation, to be able to operate here.

**ACTION:** It was moved by Kline/Seconded by Lane to approve Resolution No. 2015-46, awarding the Construction Contract for the Generator Replacement the City of Ceres Police Department to Day's Generator Service, Inc., Authorize a 10% Contingency, approve the Budget Amendment and authorize the City Manager to execute the Contract. Motion passed by the following vote:

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

**NOES:** None

**ABSENT:** Council Member Ryno

5. Resolution No. 2015-48, approving a Budget Amendment to transfer funds from the AB109 account to the General Fund for the police dispatch move and upgrade project.

Item pulled by citizen, Paula Redfern to inquire about the complete justification for moving the dispatch center upstairs, and are there better things to possibly use the funds for, other than moving the dispatch center.

Chief of Police, Brent Smith addressed Ms. Redfern's questions, explaining that all AB109 funds must be accounted for and with the restructuring of the department, additional space is needed downstairs. Also, in the future, the dispatch center is not going to be able to remain in the small room they are currently located in. He further explained that we will remain the secondary EOC for the County, with our dispatch center being integrated into that.

Brief discussion ensued regarding department expenditures and AB109 funds.

**ACTION:** It was moved by Kline/Seconded by Durossette to approve Resolution No. 2015-48, approving a Budget Amendment to transfer funds from the AB109 account to the General Fund for the police dispatch move and upgrade project. Motion passed by the following vote:

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

**NOES:** None

**ABSENT:** Council Member Ryno

**UNFINISHED BUSINESS**

7. Follow up Governor's Executive Order B-29-15 Statewide Imposition of Water Conservation Restrictions.

Jeremy Damas, Interim Public Works Director presented the staff report, noting that Executive Order B-29-15 was adopted by the State Water Resources Control Board on May 5, 2015, with the intention of saving water through increased enforcement to prevent waste.

Mr. Damas reviewed the six recommendations included in the staff report, and requested Council direction:

- Authorize City Staff to begin Stage 2 of the Drought Preparedness Plan.
- Authorize City Staff to offer \$1.00 for every square foot of lawn area that is removed and replaced with artificial turf or drought tolerant landscaping.
- Authorize City Staff to offer \$50 rebate for smart irrigation controller.
- Authorize City Staff to offer \$75 rebate for the replacement of a water efficient dish washer.
- Authorize City to Increase fines for water violations.
- Authorize City Staff to implement a warning and fine structure for any account that exceeds their water usage target.

Council discussion ensued.

**7:51 P.M.** Mayor Vierra opened the Public Hearing.

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

Mr. Shepherd remarked that executive orders are like taxes; no matter how many times you protest, as a citizen or a city, they never go away. He wondered if the management of his mobile home park gets a break when the residents put in drought tolerant landscaping and drip system, as he did.

- Dave Pratt, 1905 Lupin Lane, Ceres, CA

Mr. Pratt commented that when he sees people wasting water, he tells them that Brown is going to fine them \$500. He also questions how the state is going to regulate water usage in certain areas, if they don't have a way to measure the use (no meters).

- Renee Ledbetter – Ceres Chamber of Commerce President

Mrs. Ledbetter recommended several options for community outreach: develop posters, staffers for grocery stores, a booth for City Staff to use at the Concerts in the Park series, and utilizing the billboard when not promoting other events. She added that the Chamber will get information out to the business community and individual members through e-mail messages, and advised that information be published bilingually.

- Lee Brandt, 2104 Hale Aloha, Ceres, CA

Mr. Brandt suggested yard signs to advertise the change in water days. He also noted that he and his wife have been working diligently to conserve water, utilizing the web portal to monitor their usage. He suggested offering workshops to show how to program the timers, as some are confusing.

Suzanne Dean, Finance Director stated that our City Staff, Water Conservationists Ellen or Jesse, will come out and show residents how to program water timers; just call to schedule an appointment.

Discussion ensued regarding implementation and funding for the rebate programs. Mr. Damas plans to bring a report to the next Council meeting for consideration and approval that includes the rebate programs, with a line item budget that we're not going to exceed.

- Gene Yeakley, 3904 Sweet Gum Drive, Ceres, CA

Mr. Yeakley expressed his concern with new construction, with the water issue, as well as watering at the school sites.

City Manager Wells explained that there are water efficient landscape requirements on any new development. We've planned for new development and we have the infrastructure in place to provide for it. Mr. Wells further explained that the School District has a dual system on most of their facilities; shallow irrigation wells that they use for irrigation of their playing fields. They do have other requirements that the City doesn't have, in terms of what the State requires for green grass and surfaces of playing fields for the children. The School District is our partner and recognizes the challenge we're all in. They have been meeting with us on a regular basis, working together from an education and outreach standpoint, at the same time meeting their targets.

**8:10 P.M.** There being no comments, the Public Hearing was closed.

Council Members concurred with staff's recommendations.

## **PUBLIC HEARING**

### 8. Second Public Hearing Regarding Potential Maps for Council District Boundaries.

City Attorney, Tom Hallinan presented the staff report.

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

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

Mr. Shepherd expressed his frustration with the numerous public meetings regarding this subject and the lack of public comment and participation.

**8:14 P.M.** There being no further comments, the Public Hearing was closed.

### 9. Potential Transient Occupancy Tax (TOT) Increase.

City Attorney, Tom Hallinan presented the staff report, requesting the Council adopt three resolutions to take five actions to put a proposed Transient Occupancy Tax on the ballot.

**8:16 P.M.** Mayor Vierra opened the Public Hearing.

- Paula Redfern, Ceres, CA

Ms. Redfern remarked that it's about time and inquired if the tax is earmarked for anything specific.

Mr. Hallinan clarified that the tax goes into the General Fund.

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

Mr. Shepherd commented that he has stayed at motels and hotels all over the United States and feels that 10% is cheap, as he's paid as much as 25%.

- Shane Parson, Business Owner Ceres, CA

Mr. Parson stated that he is certainly in favor of getting this tax raised; would like to know how we're going to spend it and suggests we utilize it to bring more people into our community.

- Renee Ledbetter – Ceres Chamber of Commerce President

Mrs. Ledbetter noted that the Chamber is certainly in support of this, and are prepared to help educate citizens, explaining they are not being taxed on this; only those who stay at the hotels.

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

**ACTION:** It was moved by Kline/Seconded by Lane to approve **Resolution No. 2015-50**, Calling, ordering and giving notice of the holding of a Special Municipal Election on Tuesday, November 3, 2015, for the submission to the electorate of a proposed ordinance amending the Ceres Municipal Code to raise the Transient Occupancy Tax from five percent (5%) to ten percent (10%); **Resolution 2015-51**, Setting priorities for filing a written argument regarding a City measure and directing the City Attorney to prepare an Impartial Analysis; and **Resolution 2015-52**, Requesting the Stanislaus County Board of Supervisors to consolidate the Special Municipal Election called by the City of Ceres with the Consolidated General Election set for Tuesday, November 3, 2015 and permit the Stanislaus County Elections Official to render election services to the City for the proposed ballot measure. Motion passed by the following vote:

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

**NOES:** None

**ABSENT:** Council Member Ryno

**NEW BUSINESS** – None.

**COUNCILMEMBER REFERRALS** – None.

## **REPORTS**

City Manager Wells announced:

- Ryno Park Playground Structure Ribbon Cutting will be tomorrow, May 12<sup>th</sup> at 5:30 p.m.
- Measure H Committee Meeting is scheduled for Wednesday, May 20<sup>th</sup> at 5:30 p.m.
- Arbor Day Celebration at Kay Beaver Elementary School on May 13<sup>th</sup> at 1:00 p.m.
- 2+2+2 Meeting with Ceres Unified School District is scheduled for May 26<sup>th</sup> at 8:00 a.m.
- Annual AgriBusiness Luncheon will be on May 28<sup>th</sup> at the Ceres Community Center.

**8:25 P.M.** There being no further business, the meeting was adjourned to Closed Session.

## **CLOSED SESSION**

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

Pursuant to Government Code Section 54957

### **PUBLIC EMPLOYMENT**

Title: City Attorney

Pursuant to Government Code Section 54957

**PUBLIC EMPLOYEE APPOINTMENT**

Title: City Attorney

Pursuant to Government Code Section 54957

**9:23 P.M.** Mayor Vierra reconvened in Open Session with nothing to report.

**9:23 P.M.** There being no further business, Mayor Vierra adjourned the City Council Meeting.

Submitted by Ann Montgomery, Deputy City Clerk

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Chris Vierra, Mayor

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Lori Frontella, MMC  
Interim City Clerk