

**CITY COUNCIL MEETING  
MINUTES**

**CITY OF CERES, CALIFORNIA  
Monday, June 8, 2015**

**CALL TO ORDER**

The City Council of the City of Ceres met this date in a regular session at 7:00 p.m. in the City Council Chambers, with Mayor Vierra presiding.

**ROLL CALL - PRESENT**

Mayor Vierra  
Vice Mayor Durossette  
Council Members: Kline, Lane and Ryno

**INVOCATION**

BillyBob Muirhead, Police Chaplain gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Vierra led the community in the Pledge of Allegiance.

**PRESENTATIONS**

- A. Presentation by Ceres Chamber of Commerce of the proceeds from the Black Tie Charity Ball to benefit Ceres Police and Fire Explorer Programs. (Renee Ledbetter)

Renee Ledbetter, Chamber of Commerce President presented checks to various departments from the proceeds of the Black Tie Charity Ball.

- B. Proclamation remembering the 1984 Sikh Genocide and commemorating religious liberty. (B. Smith)

Mayor Vierra read the proclamation into the records and presented it to the Sikh community representative.

**APPROVAL OF THE MINUTES** of the regular meeting of April 13, 2015 (all present).

**MOTION:** Motion by Council Member Kline, seconded by Council Member Lane to approve the minutes of the April 13, 2015 City Council meeting as presented. Motion passed 5/0 by the following vote:

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

**NOES:** None

**ABSENT:** None

**CITIZEN COMMUNICATIONS** to the Council on matters not included on the agenda (five minutes).

Bob Gobble noted his concerns regarding the watering schedules for summer vs winter schedules. He noted cut backs of 75% of usage for households and commented on the per person per day gallon allotment.

Renee Ledbetter updated Council on activities in the community and asked organizations to provide your event for the Chamber calendar. She also provided reusable grocery bags to

Don Donaldson commented regarding the irrigation, planting, and water usage of out-of-town almond growers; he feels the water usage should stay in the city and not be used by outside organizations.

Leonard Shepherd commented in delight regarding tonight's proclamation and presentations. He also commended the City Attorney for suggesting Council use roll call vote in all of Council actions.

Dave Pratt commented on the trash the organization collected; but in their service noted that the trash had been scattered about and picked up once again.

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

**MOTION:** Motion by Vice Mayor Durossette, seconded by Council Member Ryno to approve the agenda as posted (or amended) and certification of posting. Motion passed 5/0 by the following vote:

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

#### **APPOINTMENTS TO BOARDS/COMMISSIONS - None**

#### **CONFLICT OF INTEREST DECLARATION- None**

#### **CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

1. **General Correspondence – Information Only**
  - a. No reports at this time
2. Register of Audited Demands for period covering May 21, 2015 through May 27, 2015. (S. Dean)
3. **Resolution No. 2015-59**, Approving the Authorization to Order (ATO) with AT&T via the State of California Master Services Agreement CALNET 3 for telecommunications services for a term ending June 30, 2018, with two optional one-year extensions at the same rates; authorize the City Manager to sign the Authorization to Order form. (F. Williams)
4. **Resolution No. 2015-60** approving the Annual Funding Agreement designating the City of Ceres as a sub-recipient of HOME Investment Partnership Program Funds through the City of Turlock/Stanslaus County HOME Consortium Fiscal Year 2015-2016. (T. Westbrook)
5. **Resolution No. 2015-61** accepting the 2014 Lift Station Modification Project as complete, authorizing the filing of the notice of completion, approve the Balancing Contract Change Order and Retention Release to the Contractor. (D. Jordan)

6. **Resolution No. 2015-62** authorizing the City Manager to execute the Consultant Agreement Amendment No. 7 with Nolte Associates for the Service/Mitchell Interchange Project Approval/Environmental Document (PAED). (D. Jordan)

Mayor Vierra asked if Council would like any items pulled from the Consent for further discussion. Hearing none, he asked if any citizen would like an item pulled. No items were pulled all items will be voted on by one motion.

MOTION: Motion by Council Member Lane, seconded by Council Member Ryno to approve the Consent Calendar as presented. Motion passed 5/0 by the following vote:

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

NOES: None

ABSENT: None

#### CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR - None

#### UNFINISHED BUSINESS - None

#### PUBLIC HEARING

7. Public Hearing to consider **Resolution No. 2015- 63** Denying an appeal regarding the Planning Commission Denial of a Conditional Use Permit request to allow for a 65-foot tall wireless cell tower with equipment shelter and generator at 2907 Nicholas Way. Application number CUP 15-01. (T. Westbrook)

Mayor Vierra opened the item to public comments, the following citizens spoke.

Leonard Shepherd spoke of radio repeaters and line of site; the higher the tower the better the coverage. He feels Verizon is improving the computer speeds and phone service in the area.

Randy Mooring noted his concerns of the equipment on the property and the noise it may transmit.

Harinder Toor noted he owns the adjacent property and felt it may be a hindrance and would like more information.

Mike Houston noted he was the property owner in question. Mr. Houston read a statement into the record. He noted he was in favor of the tower being placed on his property.

Seeing no further comments, Mayor Vierra closed the item to public comments.

MOTION: Motion by Council Member Lane, seconded by Council Member Kline to approve **Resolution No. 2015- 63** Denying an appeal regarding the Planning Commission Denial of a Conditional Use Permit request to allow for a 65-foot tall wireless cell tower with equipment shelter and generator at 2907 Nicholas Way. Application number CUP 15-01. Motion passed 4/1 by the following vote:

AYES: 4 Council Members: Lane, Kline, Durossette, Mayor Vierra.

NOES: 1 Council Member: Ryno  
ABSENT: 0 Council Members:

8. Public Hearing to consider First Reading of **Ordinance No. 2015- 1030** by title only, amending Ceres Municipal Code, Title 13, Chapter 18.10 Storm Water Management and Discharge Control. (D. Jordan)

Mayor Vierra opened the meeting to public comments, hearing none; Mayor Vierra closed the public comments

MOTION: Motion by Council Member Kline, seconded by Vice Mayor Durossette to waive First Reading and introduce by Title only, of **Ordinance No. 2015- 1028**, amending Ceres Municipal Code, Title 13, Chapter 18.10 Storm Water Management and Discharge Control Motion passed 5/0 by the following vote:

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

MOTION: Motion by Council Member Kline, seconded by Council Member Ryno to read by Title and number only of **Ordinance No. 2015- 1028**, amending Ceres Municipal Code, Title 13, Chapter 18.10 Storm Water Management and Discharge Control. Motion passed 5/0 by the following vote:

Lori Frontella, Interim City Clerk read the Ordinance by Title and number only into the record.

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

9. Public Hearing to consider **Resolution No. 2015-64** amending the penalty schedule of Section 13.04.130 of the municipal code to add fines for exceeding water usage target. (J. Damas)

Mayor Vierra opened the item to public comments, the following citizens spoke.

Dave Pratt commended that the school system is not under the same water restrictions as residents and feels they should be following the same rules and regulations as residents.

Don Donaldson noted he has recently upgraded his yard with new grass and concrete but realizes the rules of watering are important, and will need to keep his grass from diminishing.

Lee Brandt asked if the City can appeal any state fines. City Manager Wells commented that there is no appeal process in place and the state has indicated they want the water and not fine cities. They are encouraging local agencies to increase their fines, and the state fines are in the thousands of dollars if cities are out of compliance. State's approach is to regulate the water usage by mandates.

Seeing no further comments, Mayor Vierra closed the item to public comments.

MOTION: Motion by Vice Mayor Durossette, seconded by Council Member Ryno to approve **Resolution No. 2015-64** amending the penalty schedule of Section 13.04.130 of the municipal code to add fines for exceeding water usage target. Motion passed 5/0 by the following vote:

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

NOES: None

ABSENT: None

10. Public Hearing to consider **Resolution No. 2015-65** amending the penalty schedule of Section 13.04.130 of the municipal code for citations issued for water wasting. (J. Damas)

Mayor Vierra opened the meeting to public comments, hearing none; Mayor Vierra closed the public comments.

MOTION: Motion by Vice Mayor Durossette, seconded by Council Member Kline to approve **Resolution No. 2015-65** amending the penalty schedule of Section 13.04.130 of the municipal code for citations issued for water wasting. Motion passed 5/0 by the following vote:

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

NOES: None

ABSENT: None

11. Public Hearing to consider **Resolution No. 2015-66** amending/approving the Annual report, confirming the Assessment and Ordering the Levy for the 1987 Landscape and Lighting District for Fiscal Year 2015-16. (J. Damas)

Mayor Vierra opened the item to public comments; the following citizens spoke.

Don Donaldson asked if this was part of the Parks and Lighting tax. City Manager Wells responded that the LLD is not part of that tax, and noted the Parks and Lighting tax was never approved.

Seeing no further comments, Mayor Vierra closed the item to public comments.

MOTION: Motion by Council Member Kline, seconded by Council Member Ryno to approve **Resolution No. 2015-66** amending/approving the Annual report, confirming the Assessment and Ordering the Levy for the 1987 Landscape and Lighting District for Fiscal Year 2015-16. Motion passed 5/0 by the following vote:

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

NOES: None

ABSENT: None

12. Public Hearing to consider a **Resolution No. 2015-067** directing the City Clerk to transmit a copy of the Ordinance establishing Electoral Districts for placement on the ballot for the regular election of November 3, 2015 (T. Hallinan)

Mayor Vierra opened the item to public comments; the following citizens spoke.

Leonard Shepherd commented on the state controlling the Districting measure at some point in time.

Seeing no further comments, Mayor Vierra closed the item to public comments.

Council Member Ryno provided comments stating that she didn't agree with Draft 3 because of it cutting out central area, with the jog in the map. The majority of the Council felt it was more important to not have incumbents run against each other and the boundaries affected her neighborhood, therefore she noted her vote against the resolution.

**MOTION:** Motion by Vice Mayor Durossette, seconded by Council Member Lane to approve **Resolution No. 2015- 067** directing the City Clerk to transmit a copy of the Ordinance establishing Electoral Districts for placement on the ballot for the regular election of November 3, 2015. Motion passed 3/2 by the following vote:

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

**NOES:** Council Members: Kline, Ryno

**ABSENT:** None

Council Member Kline made no comment to his vote of no regarding the resolution.

13. Public Hearing to consider **Resolution No. 2015-68**, adopting the Annual Budget for the City of Ceres for the 2015/16 Fiscal Year beginning July 1, 2015 and ending June 30, 2016 and **Resolution No. 2015-69**, adopting the Appropriations Limitations for Fiscal Year 2015/16. (T. Wells)

Mayor Vierra opened the meeting to public comments, hearing none; Mayor Vierra closed the public comments.

**MOTION:** Motion by Council Member Kline, seconded by Council Member Lane to approve **Resolution No. 2015-68**, adopting the Annual Budget for the City of Ceres for the 2015/16 Fiscal Year beginning July 1, 2015 and ending June 30, 2016 with the amendment to include alternate staffing plan to Measure H Safer Grant and to extend through January 2016. Motion passed 5/0 by the following vote.

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

**NOES:** None

**ABSENT:** None

**MOTION:** Motion by Council Member Kline, seconded by Council Member Lane to approve **Resolution No. 2015-69**, adopting the Appropriations Limitations for Fiscal Year 2015/16. Motion passed 5/0 by the following vote:

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

**NOES:** None

**ABSENT:** None

**NEW BUSINESS - None**

**COUNCILMEMBER REFERRALS** (Any Council Members that would like to have an agenda item placed on a future agenda shall make a request under this section of the agenda.)

**REPORTS**

- Mayor Vierra introduced Interim City Clerk Lori Frontella.
- Council Member Kline thanked Ann Montgomery for her role as Acting City Clerk.
- City Manager Wells also noted the new Interim City Clerk Frontella and thanked Ann Montgomery for stepping up as Acting Clerk for the last 6 months. He noted Ann has done a fantastic job in the interim getting us through a crisis.
- City Attorney – None
- Departments:  
Tom Westbrook, Director of Community Development reported the City staff released the RFP for the General Plan Update, due date for proposals is July 17, 2015. Secondly, the Planning Department received a request for façade improvements to the Whitmore Plaza shopping center.
- County Supervisor – Not in attendance

**ADJOURNMENT** Mayor Vierra adjourned to the next regularly scheduled City Council Meeting is scheduled to be held on Monday, June 22, 2015 at 7:00 p.m. in the City Council Chambers located at 2701 Fourth Street.

There being no further business, Mayor Vierra adjourned the meeting at 9:32 p.m.

APPROVED:



Chris Vierra, Mayor

ATTEST:



Lori Frontella, MMC, Interim City Clerk