



## MINUTES

### REGULAR MEETING OF THE CITY COUNCIL

**CITY OF CERES, CALIFORNIA**  
**City Council Chambers, 2701 Fourth Street**

**Monday, September 26, 2016 – 6:00 p.m.**

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292  
Phone: (209) 538-5700 Fax: (209) 538-5780

Members of the public are advised that all cellular telephones and any other communication devices are to be turned off upon entering the City Council Chambers.

#### CALL TO ORDER

Mayor Vierra called the September 26, 2016 regular City Council meeting to order.

#### ROLL CALL – Present:

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

Absent: None

#### INVOCATION

Invocation was given by Chris Grigson, Valley Christian Center.

#### PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mayor Vierra.

#### PRESENTATIONS

- A. Proclamation Declaring October 16-22, 2016 as Freedom from Workplace Bullies Week.

Mayor Vierra read the proclamation into the record.

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

Dustin Phipps, commented regarding property damage at his home allegedly caused by a drunk driver. He further commented on the removal of bollards in front of his home and a claim that was recently filed against the City.

Leonard Shepherd spoke regarding the warm weather and dry grass. He also commented regarding the removal of trees at Smyrna Park due to mistletoe and suggested the City plant mistletoe resistant trees.

**APPOINTMENTS TO BOARDS/COMMISSIONS**

No items scheduled.

**CONFLICT OF INTEREST DECLARATION**

No conflicts declared.

**CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by a single motion unless otherwise requested by an individual Council Member or public for special consideration. Otherwise the recommendation of staff will be accepted and acted upon by roll call vote.

1. Clerks Report of Posting. The agenda of the regular September 26, 2016, City Council meeting was posted on September 21, 2016. (Nayares-Perez)
2. Waive Readings. All Readings of Ordinances and resolutions are waived, except by title. (Nayares-Perez)
3. Approval of Minutes (Nayares-Perez)
  - a. Minutes of the September 12, 2016 Regular City Council meeting. (*Council Member Lane absent.*)
4. Register of Audited Demands for Period covering September 7, 2016 through September 10, 2016. (Dean)
5. General Correspondence – **Information Only**
  - a. Public Works monthly report for August 2016. (Damas)
  - b. Recreation Division monthly report for August 2016. (Farris)
6. Acceptance of the 1,2,3 - Trichloropropane (TCP) Feasibility Study. (Damas)
7. **Resolution No. 2016-118**, recommending the Stanislaus County Board of Supervisors Approve the FY15/16 Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Consolidated Annual Performance and Evaluation Report (CAPER). (Jordan)

Mayor Vierra asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion.

Mayor Vierra asked, if anyone from the Public had any comments. There being no comments, Mayor Vierra brought the item back to Council for direction.

**MOTION:** Motion by **Vice-Mayor Kline**, seconded by **Council Member Durossette**, approving **Consent items 1-7. Motion passes 5/0/0** by the following roll call vote:

AYES:	5	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	0	Council Member:	None

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

No items were removed from Consent.

### UNFINISHED BUSINESS

No items scheduled.

### PUBLIC HEARING

8. Public Hearing to consider the following:

- (i) **Resolution No. 2016-119**, adopting the Negative Declaration prepared for a General Plan Amendment (15-15 GPA) and a Rezone (15-16 RZ);
- (ii) **Resolution No. 2016-120**, adopting a General Plan Amendment (15-15 GPA) to change the general plan designation from “HDR, High Density Residential” to “HC, Highway Commercial” for six of the seventeen properties located at the northwest corner of Whitmore Avenue and Central Avenue and along Herndon Road, in which properties affected by the general plan amendment are north of Whitmore Avenue;
- (iii) Introduction of **Ordinance No. 2016-1037**, adopting a Rezone (15-16 RZ) to change the zoning designations from “C-1, Neighborhood Commercial”, “C-3, Wholesale Commercial”, “R-4, Medium-High Density Multiple Family Residential”, “PC-10, Planned Community -10, and “PC-47, Planned Community – 47” to “H-1, Highway Commercial” for the seventeen properties located at the northwest corner of Whitmore Avenue and Central Avenue and along Herndon Road, in which the properties affected by the rezone are north of Whitmore Avenue. (Westbrook)

Tom Westbrook, Director of Community Development gave the report. He provided a brief background regarding the item. He spoke regarding the zone change and the general plan amendment. He discussed the zoning map and the zoning designation change to highway commercial. He further discussed the action of the Planning Commission at the August 15, 2016 meeting.

Mayor Vierra opened the Public Hearing and the following citizens spoke:

Leonard Shepherd commented that he is in support of the zoning designation change to highway commercial.

Angela Huerta asked if the City will be providing resources or referrals to help residents relocate. Mayor Vierra stated that the new owners of the property would be responsible for that process. City Manager Wells commented that the process for closing a mobile home park is governed by the State Department of Housing and Community Development. The property is currently in escrow between Caltrans and a private party. Once the new owner is in place, the new owner will most likely contact the mobile home park residents and the City. The process could take a number of years. Ms. Huerta stated that she runs a homeless ministry with St. Stanislaus and recently reached out to St. Jude's Church to assist the residents with the move out process.

Tammy, a Ceres resident commented that her elderly father lives in the mobile home park and she inquired as to time frame for the move out. City Manager Wells responded that the time frame is controlled by the new owner and that the State requires a minimum of a one year notification to residents.

There being no further comments, the Public Hearing was closed.

Mayor Vierra brought this item back for direction and roll call vote.

**MOTION:** Motion by **Council Member Durossette**, seconded by **Council Member Lane**, to approve (i) **Resolution No. 2016-119**, adopting the Negative Declaration prepared for a General Plan Amendment (15-15 GPA) and a Rezone (15-16 RZ); (ii) **Resolution No. 2016-120**, adopting a General Plan Amendment (15-15 GPA) to change the general plan designation from "HDR, High Density Residential" to "HC, Highway Commercial" for six of the seventeen properties located at the northwest corner of Whitmore Avenue and Central Avenue and along Herndon Road, in which properties affected by the general plan amendment are north of Whitmore Avenue; and (iii) Introduction of **Ordinance No. 2016-1037**, adopting a Rezone (15-16 RZ) to change the zoning designations from "C-1, Neighborhood Commercial", "C-3, Wholesale Commercial", "R-4, Medium-High Density Multiple Family Residential", "PC-10, Planned Community -10", and "PC-47, Planned Community – 47" to "H-1, Highway Commercial" for the seventeen properties located at the northwest corner of Whitmore Avenue and Central Avenue and along Herndon Road, in which the properties affected by the rezone are north of Whitmore Avenue. **Motion passed 5/0/0** by the following roll call vote:

AYES:	5	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	0	Council Member:	None

## NEW BUSINESS

- Resolution No. 2016-121**, opposing the implementation of the State Water Resources Control Board's Bay-Delta Plan, Phase 1 Draft Substitute Environmental Document (SED). (Wells)

Toby Wells, City Manager gave a brief introduction and introduced Michelle Reimers, Director of External Affairs at Turlock Irrigation District (TID). Ms. Reimers gave the presentation and provided an overview of the proposed Substitute Environmental Document (SED) that calls for 40 percent of unimpaired flows on the Tuolumne River

and its impact on local jurisdictions. Ms. Reimer further discussed the “Worth Your Fight” campaign and how TID has advocated for its region and educated, invested and planned for the campaign. She asked that the public educate themselves on the proposed SED and its impact on local regions. Information regarding the campaign can be found at [worthyourfight.org](http://worthyourfight.org). There are three tentative hearing dates regarding this issue, November 2 and November 10 in Sacramento and November 4 in Modesto. She asked that Council adopt the resolution in opposition to the proposed SED and help provide community outreach to inform citizens of its adverse effects.

Mayor Vierra inquired about the use of the City’s billboard at the overpass and if it could be used by TID. Community Development Director, Tom Westbrook stated that he would look into it and should have a response by tomorrow.

Mayor Vierra commented that this is an important issue.

Mayor Vierra asked, if anyone from the Public had any comments and the following citizens spoke:

Leonard Shepherd stated that the State Water Resources Board is appointed and not elected; therefore he believes the public has no control over them.

Mayor Vierra brought this item back for direction and roll call vote.

**MOTION:** Motion by **Council Member Lane**, seconded by **Vice-Mayor Kline**, approving **Resolution No. 2016-121**. **Motion passes 5/0/0** by the following roll call vote:

AYES:	5	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	0	Council Member:	None

## DISCUSSION ITEMS

No items scheduled.

## 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.

None.

## REPORTS

At this time, any Council Members or City Staff will make an announcement, or report briefly on his or her activities.

- Mayor – Nothing to report.
- City Council – Nothing to report.
- City Manager Wells announced the Ribbon Cutting Ceremony for Addy’s Boutique on Thursday at 5:30 p.m. He reported that he and Council Members Lane, Ryno and a

couple of executive staff members will attend the League of California Cities Annual Conference from October 5–7, 2016.

- City Attorney – Nothing to report.
- Departments –  
Tom Westbrook, Director of Community Development reminded the Public about the “Coffee with a Cop” event that will be held on Tuesday at the Howard Training Center from 7:00 – 9:00 a.m. He also reported that a joint workshop with the City Council and Planning Commission has been scheduled for November 15, 2016, to discuss potential land use and transportation alternative plans. He anticipates scheduling community workshops in January 2017.
- County Supervisor – Not it attendance.

## CLOSED SESSION

### 1. CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

*City Negotiator:* Liebert, Cassidy, Whitmore

Employee Organization: **Miscellaneous Bargaining Unit**

Employee Organization: **First Line Supervisors/Confidential Bargaining Group**

Employee Organization: **Mid-Management Employees**

Employee Organization: **Public Safety Mid-Managers**

Employee Organization: **Ceres Professional Firefighters Association**

Employee Organization: **Ceres Police Officers Association**

**ACTION:** Closed Session cancelled.

## ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on Monday, October 10, 2016 at 6:00 p.m. in the City Council Chambers located in the Community Center at 2701 Fourth Street, Ceres, CA

There being no further business, Mayor Vierra adjourned the Regular City Council meeting at 6:44 p.m.

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Chris Vierra, Mayor

ATTEST:

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Diane Nayares-Perez  
City Clerk