



MINUTES
REGULAR MEETING OF THE CITY COUNCIL

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

Monday, February 27, 2017 – 6:00 p.m.

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292
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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 February 27, 2017 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 Mark Whitehead, Chaplain.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mayor Vierra.

PRESENTATIONS

None

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

Darold Courtraul spoke regarding his request to have an additional yard sale this year. Currently, the city only allows two per year. He asked for an exception to allow him to have a third yard sale. Council directed staff to work with Mr. Courtraul to allow an additional yard sale.

Len Shepherd commended Council for their action regarding Mr. Courtraul's request. He also spoke regarding the recent rain, water conservation and water storage.

Mike Miller, from Ceres Firefighters Local 3636 spoke in support their MOU proposal that will be discussed during closed session.

Don Donaldson thanked Council for their direction regarding Mr. Courtraul's request. He commented on his many years of support to the flag football program and his numerous hours of volunteer service to sports programs. He further commented on his assistance to neighbors and friends. He asked that in addition to his code violations being placed on Facebook, that the City also mention his many hours of volunteer time to the community. Council Member Durossette acknowledged Mr. Donaldson's many years of assistance to the community.

APPOINTMENTS TO BOARDS/COMMISSIONS

None

CONFLICT OF INTEREST DECLARATION

No Council 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 amended agenda of the regular February 27, 2017, City Council meeting was posted on February 24, 2017. (Nayares-Perez)
2. Waive Readings. All Readings of Ordinances and resolutions are waived. (Nayares-Perez)
3. Approval of Minutes (Nayares-Perez)
 - a. Minutes of the February 13, 2017 Regular City Council meeting. (*Vice-Mayor Kline absent*)
4. Register of Audited Demands for Period covering February 8, 2017 through February 16, 2017. (Dean)

5. **General Correspondence – Information Only**
 - a. January 2017 Construction Activity and Revenue Generation Report. (Westbrook)
 - b. Recreation monthly report for January 2017. (Farris)
6. **Resolution No. 2017-018**, approving the Claim of the City of Ceres to the Stanislaus Council of Government for Non-Transit Funds and Authorizing the City Engineer to Sign and Submit Said Claim on Behalf of the City of Ceres. (Jordan)
7. **Resolution No. 2017-019**, authorizing the City Manager to execute an agreement with Delta Wireless & Network Solutions (Delta Wireless) to continue existing servicing and maintenance of the Police Department’s Data 911 Radio System. (Smith)

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 **Council Member Durossette**, seconded by **Council Member Lane**, approving **Consent items as presented. Motion passes 5/0/0** by the following roll call vote:

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

No items removed from consent.

UNFINISHED BUSINESS

No items scheduled.

PUBLIC HEARING

8. Hearing to Select a Nominee for Consideration of Appointment as a City Member to the San Joaquin Valley Air Pollution Control District Governing Board. (Wells)
 - **Resolution No. 2017-020**, Selecting a Nominee to the Special City Selection Committee for Appointment to the San Joaquin Valley Air Pollution Control District Governing Board.

City Manager Wells gave the report and stated that the District Governing Board is a fifteen (15) member Board consisting of eight (8) Board of Supervisors (one from each county), five (5) City Council Members, and two (2) public representatives appointed by the

Governor. Council Member appointments to the District Governing Board are made by the San Joaquin Valley Special City Selection Committee, which consists of one (1) Councilmember and an alternate from each city within the eight counties of the District (Fresno, Kern, Kings, Merced, Madera, Stanislaus, San Joaquin, and Tulare). In accordance with Committee adopted procedures, the appointment process to fill a City Councilmember vacancy of the District Governing Board requires the matter be placed on a regular City Council meeting agenda to public notice, discuss, and consider adoption. Ceres Mayor Chris Vierra and Patterson Council Member Dominic Farinha have submitted applications for consideration of appointment.

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

Len Shepherd asked for clarification of the item. Mayor Vierra provided additional background regarding the District Governing Board and its representation and appointment process.

Mayor Vierra brought the item back to Council for direction.

MOTION: Motion by Council Member Durossette, seconded by Council Member Lane, approving Public Hearing Item; **Resolution No. 2017-020 and nominating Mayor Vierra to the District Governing Board. Motion passes 4/0/1** by the following roll call vote:

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

NEW BUSINESS

No items for consideration.

DISCUSSION ITEMS

9. Finance Department – Utility Division sign up for service requirements and procedures. (Dean/Wells)

City Manager Wells gave the introduction and background of the item. He reported that the City policy requires an individual signing up for utility service to provide proof of ownership or tenancy. The documentation provided is usually a copy of the lease agreement, grant deed, or other legal document proving ownership or the right to occupy the property. He also reported that staff surveyed other cities and their process and found that some cities require a higher deposit or written documentation. He stated that the City of Turlock requires a \$350 deposit with no proof of ownership and the Turlock Irrigation District requires an average of the prior three month bills to establish service with no proof of ownership. The City's procedure is very similar to the City of Modesto.

Suzanne Dean, Finance Director stated that the City of Turlock indicated that they have issues with collecting, since they don't have adequate documentation on the occupying residents. She commented that Ceres has had a good success with being able to collect on accounts that don't pay. One issue that has arisen, is that deposits are so low and with the rate increase, deposits for sewer don't cover one month of service and the water deposit amounts to about \$30 less than the average monthly bill.

Vice-Mayor Kline stated that the deposit should be increased. He commented that a homeowner should be charged a deposit of at least two months service. Ms. Dean discussed the deposit rates. Vice-Mayor Kline inquired if he owns a home and purchases a home as a rental and is fixing it up to rent out, does he need to bring a letter of credit or can his utility history be considered. Ms. Dean stated that his utility history can be considered. However, proof of ownership is also needed. Mayor Vierra summarized the process and asked Ms. Dean for clarification regarding the deposit. Ms. Dean stated that the deposit is returned in one year if the bills have been paid on time. Mayor Vierra inquired about the number of letters of credit the City receives.

Council Member Ryno commented that the process appears easy to her. The issue brought up was an issue of customer service that needs to be addressed separately.

Vice Mayor Kline stated if a person has a letter of credit, then they don't have to worry about a deposit.

Council Member Ryno asked if the City has a lot of problems with people not paying their bills. Ms. Dean stated that significant amounts of money is in collection, however staff is very diligent about collecting.

Council Member Lane commented that he is fine with the process. It was his understanding that the issue with Mr. Parson was customer service related.

Shane Parson stated that sometimes it is not easy to obtain the necessary proof of ownership, as there can be a delay with title papers and any previous owners might be out of town and can't easily provide the documents. He requested latitude be given in those instances.

A lengthy discussion ensued regarding proving proof of ownership and the difficulty obtaining the necessary documentation.

City Manager Wells stated that staff is asking for direction regarding policy and procedures that are consistent across the board.

Ms. Dean stated that staff has worked diligently to accommodate Mr. Parson. She would like direction on what the parameters are and what latitude does her staff give. She also requested direction on how and who the exceptions are applicable to.

Mayor Vierra suggested the City collect a \$1,000 deposit from property owners who don't have the documentation immediately available. Ms. Dean commented that the check would be deposited and refunded when the required documentation is produced.

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

Mr. Len Shepherd stated that he thinks a \$1,000 deposit is a great idea and shows the person has got to have the intent to do things right.

Don Donaldson commented that he owns rentals and that some people don't have that kind of money.

Vice Mayor Kline clarified to Mr. Donaldson that the \$1,000 is for the property owner, not the tenant.

Action: Council directed staff to move forward with the \$1,000 deposit for property owners that do not have the proper ownership documentation readily available. Staff will bring the item back for Council action.

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.

Vice Mayor Kline asked that a discussion regarding a proposed Transient Occupancy Tax Committee be brought to Council. Council majority was reached. City Manager Wells stated that the item will most likely return to Council late April or early May.

REPORTS

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

- Mayor
- City Council
- City Manager Wells reported that Stanislaus County received a planning grant from the State for the Crows Landing Road 22 mile corridor, there will be a public outreach workshop at the County AG Center tomorrow evening at 6:00 p.m. He gave an update regarding the Don Pedro water release and reduction of flow. The Turlock Irrigation District with the Mayor wrote a letter of support requesting the US Army Corps of Engineers for deviation to maintain the high flows to help drop the elevation of the reservoir in anticipation of the expected run off and their request was denied. As a result, the reservoir will stay near capacity at 99% full. The City will be monitoring the water levels closely. He also introduced and welcomed Robert Ball the City's new IT Manager.
- City Attorney – Nothing to report.
- Departments
 - Tom Westbrook, Director of Community Development reported that the Planning Commission will hear and consider the preferred land use alternatives on March 6th and their recommendation will be brought to Council on March 27th.
 - Daryl Jordan, Director of Engineering reported on the water levels in the lower bluff.
 - Steve Hallam, Economic Development Manager reported that the State Treasurer's Office, Business Incentives Gateway established a web portal (<https://www.cbig.ca.gov/>) that brings together all of the state and local business development incentives to a single access point. The City of Ceres is now on the

portal. The City has 12 incentives profiled that are available to new and existing businesses in Ceres.

- County Supervisor – Not in attendance.

ACTION: There being no further business, Mayor Vierra adjourned the Regular City Council meeting at 6:58 p.m. and convened in a Closed Session meeting with the below listed items being discussed.

CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATOR** (Pursuant to Section 54957.6 of the Government Code)

City Negotiator: Liebert, Cassidy, Whitmore

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

Employee Organization: **Ceres Professional Firefighters Association**

Employee Organization: **Ceres Police Officers Association**

2. **CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION** Pursuant to Government Code Section 54956.9(d)(1) (Name of Case: **Quiroz v. City of Ceres**, Case No. 2:17-CV-o0364-TLN-CKD)

REPORTS FROM CLOSED SESSION

7:23 p.m. Reconvened to Open Session

ACTION: No Reportable Action.

ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on Monday, March 13, 2017 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 Closed Session business, Mayor Vierra adjourned the meeting at 7:23 p.m.

Chris Vierra, Mayor

ATTEST:

Diane Nayares-Perez
City Clerk