



MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF CERES, CALIFORNIA
City Council Chambers, 2701 Fourth Street

Monday, May 22, 2017 – 6:00 p.m.

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292
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CALL TO ORDER

Mayor Vierra called the May 22, 2017 Regular City Council meeting to order.

ROLL CALL – Present:

Mayor: Vierra
Council Members: Durossette, Lane, Ryno

Absent: Vice Mayor Kline

INVOCATION

Invocation was given by Pastor Adrian Condit, Village Chapel.

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).

Robin Johnson, Health Educator at Blaker Kinser Junior High School and the Fast Track JV Advisor spoke about their JV Group that stands for protecting health and has over 150 members. They pick up litter in their parks every year and picked up over 10,000 pieces of litter in about an hour this Fall. The JV Group was asked by the County to participate in a pilot program called "Photo Voice." The premise of the pilot program is that students would look at their City through 14 year old's lens. The students had an open selection as to what to photograph. Out of the seven students that participated, all had the same view

of their city. They wanted to make their City more beautiful and have their City litter free. Ms. Johnson shared the students' poster boards, which displayed their view of the City of Ceres.

Gary Condit, sophomore at Ceres High School discussed 5th Street and the lack of school zone signage, cross walk and warning signs. He believes that it is serious safety issue. He presented Council with a petition entitled "Make 5th Street Safe for Ceres High Students" that consists of 1,000 signatures in support of a lighted cross walk on 5th Street. He detailed the difficulty of students crossing the street and the high speeds of cars and heavy traffic.

Anthony Gerads, teacher at Ceres High School spoke in support of a cross walk on 5th Street. He discussed the difficulty of the students crossing the street.

Leonard Shepherd commented on the attendance at the Council meeting. He thanked the students for attending and participating and encouraged them to continue to attend. He also reminded Ceres residents to keep their yards free of weeds and tall grass to prevent fire hazards.

A Ceres resident spoke in support of a cross walk on 5th Street.

Felipo Martinez, a Ceres High School student and resident on 5th Street spoke in support of a cross walk on 5th Street and inquired how long the process will take.

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 agenda of the regular May 22, 2017, City Council meeting was posted on May 17, 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 May 8, 2017 Regular City Council meeting.
4. Register of Audited Demands for Period covering May 3, 2017 through May 10, 2017. (Dean)

5. **General Correspondence – Information Only**
 - a. Public Works Monthly Report for April 2017. (Damas)
 - b. Recreation Monthly Report for April, 2017 (Farris)
 - c. April 2017 Construction Activity and Revenue Generation Report (Westbrook)

(Removed from Consent)

6. **Resolution No. 2017-039**, approval of Continued Participation in the County-Wide Fire Investigation Unit (FIU), Continued Assignment of Fire Captain and Staffing to Backfill the Position. (Nicholes)

7. **Resolution No. 2017-040**, approval of extension of contract with Ontel Security Services to provide security at City of Ceres facilities and parks (Farris)

(Removed from Consent)

8. **Resolution No. 2017-041**, approving the City of Ceres Transportation Development Act Claim for Transit Purposes for FY 2017/18, Authorizing the City Engineer to Sign and Submit the Claim to the Stanislaus Council of Governments. (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. Items 6 and 8 were removed from Consent.

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 by **Councilmember Ryno**, seconded by **Councilmember Durossette**, **approving Consent items 1-5, and 7. Motion passes 4/0/1** by the following roll call vote:

AYES:	4	Council Members:	Durossette, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	1	Council Member:	Kline

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Item 6/Council Member Ryno

Council Member Ryno commented that \$165,000 is reimbursed by the County and currently Captain Snyder's fully burdened cost is \$182,945, which does not include overtime costs. That puts the City on the hook for \$17,945, plus whatever overtime cost there is. She further stated that, then the City backfilled that position which means that they are paying for only a portion of Captain Snyder's position, and added another Captain about two years ago. City Manager Wells stated that that position was backfilled three years ago, and that the fully burdened rate is for Fiscal Year 2017-2018. Council Member Ryno commented that her concern is that, although it appears good that there are two additional firemen, one is already with the City and the amount it's costing the City with budget constraints. Her bigger concern, is that the Ceres is in discussions with the City of Modesto and the County about consolidation. She does not want to see any kind of commitment, until the City knows what they are going to do. She does not want to commit to something, if they don't even know if there will be service in the City or if the City will

contract out with someone else. She is also concerned that it will be similar to a SAFER grant that will affect what they can do with their own Fire Department. Mayor Vierra inquired if there will be an impact if they hold off. City Manager Wells responded no, the agreement is between Ceres and the County, a consortium. This would be the third year of the agreement, and there is an exit clause in the agreement if the City were to change their participation. He also commented that the overtime piece of Captain Snyder allows the Department to fill shifts that they have vacant. The overtime is not just for the FIU investigator, but as part of the team that can still fill in for vacancies within the captain ranks across the organization. It's a benefit to have another body to fill in the overtime positions. In addition, having the resource of the Fire Investigation on arson does protect the City from significant liability. Previously the fire investigations were handled by the Police Department, but that was an onerous and difficult task. The consortium allows for a regional approach that allows cities to have one under the authority of the District Attorney and they are having tremendous success in achieving convictions for arson related activities. If the City does not participate, they lose some of that protection and the burden would be placed back on the Police Department with the same staffing levels. The regional approach has proven to be much more successful. Until this current year, costs had been pretty close, but with increased expenditures such as increased health insurance, retirement costs and workers compensation, those have increased the fully burdened rates. In the grand scheme of things, the \$17,000 compared to what the City receives in return far exceeds that expense.

MOTION: Motion by Council Member Durossette, seconded by Council Member Lane, approving **Item 6 – Resolution No. 2017-039. Motion passes 3/1/1** by the following roll call vote:

AYES:	3	Council Members:	Durossette, Lane, Mayor Vierra
NOES:	1	Council Member:	Ryno
ABSENT:	1	Council Member:	Kline

Item 8/Council Member Ryno

Council Member Ryno inquired about the \$22,710 penalty and wasn't sure if that could be taken from what they are requesting or if it's coming out of the General Fund. City Manager Wells responded that it cannot come from the claim, as it has to come from a separate funding source. The penalty reduces the City's eligibility in this current year, so the claim is reduced by \$22,710. That amount is not eligible to be reimbursed. Council Member Ryno asked if the \$22,710 comes from the General Fund and also inquired if Dial-a-Ride (DAR) wasn't penalized because there was a grace year available. She stated that's how she understood the report to read and that it was for Fiscal Year 2015/2016. City Manager Wells stated that both programs received a grace period, but DAR met the fare box the second year. Council Member Ryno commented that the staff report stated that DAR was at 7.87% and fell short of the 10% ratio, but wasn't penalized because it had a grace year available. City Manager Wells stated that's correct, missed one year on DAR and missed two on CAT; CAT was penalized on the second year. Council Member Ryno asked if the DAR ratio is at 10% for this fiscal year, is the City going to receive another grace period. City Manager Wells stated that the City will now have a two year exemption, due to the changes that were made to DAR restricting it to seniors and handicapped. Council Member Ryno further inquired about the attachment that showed Measure L to be projected at \$15,000 for Fiscal Year 2017/2018 and if that amount is a guarantee or not. City Manager Wells responded that it is a guarantee, as it is part of the claim. Measure L

has multiple components to it, and one of it is 7% of the overall Measure allocation is for transit purposes. The specific allocation allows each City to supplement their transit operations. Council Member Ryno asked, does it matter what the County actually receives in the increased tax. City Manager Wells stated that the City's actual allocation was about three times that for this year and it would carry over for use in future years. Council Member Ryno referenced the transfer claim financial plan, page 3 of the transit claim that shows that the fare box revenue is going to be up \$45,000 for Fiscal Year 2018/2019 and if that is correct. City Manager Wells stated that that is a projection.

MOTION: Motion by **Council Member Ryno**, seconded by **Council Member Lane**, approving **Item 8 – Resolution No. 2017-041**. **Motion passes 4/0/1** by the following roll call vote:

AYES:	4	Council Members:	Durossette, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	1	Council Member:	Kline

UNFINISHED BUSINESS

9. Final Adoption of **Ordinance No. 2017-1039**, Zoning Ordinance Text Amendment (ZOTA) 17-04; and a Development Agreement for the Kase Manufacturing project located at 4111 Brew Master Drive. (Wells)

City Manager Wells gave a brief overview of the Ordinance and the steps taken to get the agreement and Ordinance to Council for final adoption.

Council Member Ryno commented on the change that was made in the Ordinance which removed the *Whereas* that included the Planning Commission's recommendation to use the fees for Public Safety. She noted that the sentence was removed from the Ordinance, but not the Development Agreement, in particular page 2, Section K. She requested that it be removed from the Development Agreement.

Mike Reynolds commented that it has been a challenging subject and to come home and have Council's blessing has been great, all way from Fire and Police that have come out and been supportive. It's something he could never dreamed of. He also mentioned that this evening is Kase's fourth birthday. He's looking forward to being home in Ceres and being a contributor to the City of Ceres.

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

Leonard Shepherd, Ceres Resident wished Kase a happy birthday. He also thanked Council for doing something that will reach farther than Ceres. This action could go worldwide and the program could serve as a model for other cities to follow.

Pastor Adrian Condit asked how the City is going to monitor it to keep it from spreading. He thinks Council should limit it to just medical, because it could spread all over Ceres. His experience as a minister and counselor in drug rehabilitation, taught him that 90% of

persons in rehabilitation started with marijuana. He asked that Council be very cautious to keep this from spreading into many other stores. He is in favor of the medicinal side of it if it helps Kase, but is not in favor of turning it loose to everything that comes along.

Mayor Vierra stated that Council has addressed many of his concerns in multiple meetings. He reassured Mr. Condit that there won't be a problem of dispensaries popping up in every corner.

Mayor Vierra brought the item back to Council for direction.

MOTION: Motion by **Council Member Ryno**, seconded by **Council Member Durossette**, approving **Final Adoption of Ordinance No. 2017-1039, with the deletion of the last sentence of Section K of the Development Agreement. Motion passes 4/0/1** by the following roll call vote:

AYES:	4	Council Members:	Durossette, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	1	Council Member:	Kline

NEW BUSINESS

None.

PUBLIC HEARING

- 10. Public Hearing to consider **Resolution No. 2017-042**, updating the fee for Fireworks Booth Sales. (Wells)

City Manager Wells gave the presentation and background of the item. He stated that the last fee study for all user fees that include the Firework Booth Sales was adopted by Council in 2011. The current fee is \$282 per applicant. Staff reviewed the methodology from the previous study and concluded that the allocation of hours is still appropriate and updated the calculation of the staff costs required to issue the required permits. The allocation of staff time is roughly three hours of time per permit spread across the various staff levels of the Fire Department for the issuance and inspection of the booths. The recommended updated fee is \$399 per permit. At the conclusion of the General Plan, staff will conduct a full update of all of the user fees collected by the City that span all of the City permitted functions.

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

Austin Moore, Ceres High School student stated that he has helped run a lot of nonprofits and that the extra cost of the fee could negatively affect nonprofits, as firework sales is one of the biggest fundraisers. The increased fee could affect the ability of non-profit groups to raise funds for such things as scholarships. Most students don't have the ability to pay for certain things and an extra \$100 might not seem like a large amount, but it is enough to fill out a college application.

Mayor brought the item back to Council for discussion.

MOTION: Motion by Council Member Durossette, seconded by Council Member Ryno, approving **Resolution No. 2017-042. Motion passes 4/0/1** by the following roll call vote:

AYES:	4	Council Members:	Durossette, Lane, Ryno, Mayor Vierra
NOES:	0	Council Member:	None
ABSENT:	1	Council Member:	Kline

DISCUSSION ITEMS

None.

COUNCILMEMBER REFERRALS

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 reported that Arbor Day Celebration will be held at 1:00 p.m. this Wednesday at Whitmore Park. The Measure H Committee Meeting is scheduled for June 1 at 6 p.m. He also reminded Council and the public about the Concerts in the Park.
- City Attorney – Nothing to report.
- Departments

Tom Westbrook, Director of Community Development reported that information regarding the Notice of Preparation of a Draft Environmental Impact Report for the Ceres General Plan Update will be sent out next Wednesday. Also, the Planning Commission will hear the Scoping Meeting and Notice of Preparation of a Draft Environmental Impact Report for the Ceres General Plan Update on June 5, 2017.

Traci Farris, Recreation Manager reported that the Rotary Club and has agreed to give a \$500 donation for supplies for the Camp Out and the Lions Club has offered to donate their time and services for a barbeque. The idea of the Camp Out is to get people out and enjoy the outdoors. She thanked the service clubs for their donation and support.

County Supervisor – Nothing to report.

ACTION: There being no further business, Mayor Vierra adjourned the Regular City Council meeting at 6:48 p.m. and convened in a Closed Session meeting with the below listed items being discussed.

CLOSED SESSION

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
(Government Code § 54957)

REPORTS FROM CLOSED SESSION

7:09 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, June 12, 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 business, Mayor Vierra adjourned the meeting at 7:09 p.m.

Chris Vierra, Mayor

ATTEST:

Diane Nayares-Perez
City Clerk