



MINUTES

REGULAR MEETING OF THE CITY COUNCIL

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

Monday, June 12, 2017 – 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 June 12, 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 Pastor Loren Gregory of Victory Assembly of God.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mayor Vierra.

PRESENTATIONS

A. Proclamation declaring June 2017 as Disability Awareness Month.

Mayor Vierra read the proclamation and presented it to Carolyn Teixeira Gomes, Director of Development for the Society of disABILITIES.

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

Dave Pratt of Ceres spoke regarding electronic billboards, nonprofits and firework booths. He also spoke regarding telephone and cable boxes and speedbumps on Whitmore and Moore Roads.

APPOINTMENTS TO BOARDS/COMMISSIONS

B. Measure H Committee Discussion (Wells)

City Manager Wells stated that there are currently two seats on the Committee that will expire on June 30th of this year. Committee Members Paula Redfern and Don Cool both have expressed interest in reappointment. He reviewed the appointment process and discussed past appointment practices. He asked for Council direction on reappointing both members or announcing vacancies and soliciting applications.

Council Member Ryno thinks that the Ordinance states “will solicit through an open application process” and thinks that they should solicit applications. Even though it does say they can be appointed and serve no more than two consecutive three year terms, if it was the intent that they serve concurrently, it should have been worded in the Ordinance as such.

Mayor Vierra asked if they are going to allow the two applicants to apply. Council Member Ryno stated of course they should be able to apply, but she thinks they need to also open it up in case there is someone else who is interested. Mayor Vierra stated that he is assuming that the two candidates on the Committee right now are doing a good job and he has not heard anything to the contrary. City Manager Wells stated that from staff perspective they have satisfied their duties, doing a fair job. Mayor Vierra commented, if someone else wants to come in and they give them an opportunity then why wouldn't they just say you can't reapply.

Council Member Ryno stated that maybe the Ordinance needs to be changed to state that they can keep anyone that is on the Committee now for two consecutive terms. It should not say that they are going to do an open application process, if that is exclusive to new term members.

Mayor Vierra agreed with Council Member Ryno, but he sees it as two separate issues. The Ordinance can be changed. Mayor Vierra further commented that if someone new applied for the position, they would not appoint one of the two or both of them.

Council Member Ryno stated that she thinks just to be fair they would have interviews and choose the ones that are best for the position. That's what the intent of the application is. City Manager Wells commented that the Ordinance does not have a requirement for an interview process; it just says Council will appoint. Council Member Ryno responded that in the past, they have interviewed. There was a discussion about the past few appointment processes. City Manager Wells stated in the past there have been straight appointments, interviews and reappointments. Mayor Vierra agreed that they have done all of the above appointment processes.

Council Member Durossette stated that if a Committee Member is doing a good job then let them serve another three years.

City Manager Wells commented that another option would be to open it up for a shorter window and move relatively quickly through the process. Mayor Vierra stated that he wants to make sure that if they go through that process that they will vet it, because he does not want to waste people's time if they're going to reappoint the two already serving because they are doing a good job.

Vice Mayor Kline stated that they had the same discussion when it was time to appoint the Planning Commission members and people applied, but yet they reappointed the incumbents because of the General Plan. People applied, but Council reappointed because they did not want to change the people midstream of the General Plan Update. He agrees with Council Member Ryno, in regards to having the process in place and open it up for applications, but on the other hand the standard practice for the Council and previous Council is to reappoint until the term limits are up. He thinks the Ordinance needs to be readjusted to reflect that they're eligible for two terms and if anybody doesn't want to apply a second term, then it can be opened up for applications.

Council Member Lane stated that he does not know if the Ordinance states that a person cannot serve two consecutive terms. He believes that the Ordinance should state that it should be left at the discretion of Council, because there might be someone serving that is not doing a good job. He has no issue with either one of the individuals seeking reappointment and thinks that the end result would be the same if they were just reappointed. However, if the Ordinance is changed he would like to see a change to state that it would be at Council's discretion.

Mayor Vierra stated that if he is hearing correctly, Council does want to change the Ordinance. His question at this time is how they handle the two reappointments. He does not have an issue with taking applications or reappointing them, but they could have a long standing person reapply that has more experience than the current ones and by default you could say they are more qualified and that's fine, but he does not have a problem with the two that are appointed right now. He will do what Council would like to do. He also stated that he understands what Council Member Ryno has said about the way it is written and that it probably should go that route and then correct the Ordinance. But, he does not want to go through the interview process and then reappoint the same two that are currently serving and people have come in and thought there was an opportunity and Council determined that these two people are doing great. If that's the case then they should just appoint them right now.

Council Member Durossette stated that they should just appoint the two and then change the Ordinance at a later time. Council Member Ryno asked if the persons that were on the Committee before could not apply because they have already served their two terms. Mayor Vierra responded that in the past, they had a discussion that a person could sit off one term and then come back.

Mayor Vierra commented that there is a Council Member that would like to reappoint and Council Member Ryno would like to solicit applications. Council Member Ryno stated that she is in agreeance to reappoint or they can change the Ordinance. City Manager Wells inquired if it will need to return to Council for formal action. City Attorney Hallinan

responded that the reappointment will need to return to Council. City Manager Wells asked if Council wanted to clarify this process of reappointment or add more language for any appointment. Mayor Vierra responded any appointment and maybe include something similar to the nomination period for elections. In particular, if a term is up and they don't submit their interest for reappointment, then it is opened up for the solicitation of applications. City Manager Wells commented that right now it states City Council "should." He suggests a simple change to "may," and at "Council's discretion," depending on the circumstances of an incumbent or something along those lines. He asked for clarification on the language to add to the Ordinance.

Vice Mayor Kline stated when talking about changing the wording to "may" the other discrepancy in there is that you can serve two consecutive terms, and you can sit out for one term and then reapply. City Manager Wells stated that you can serve no more than two consecutive three year terms.

Council Member Ryno stated that it needs to be clear that after the first term, they are not going to automatically go out for applications and that the members are able to serve two consecutive three year terms, if Council determines that or something prior to soliciting applications.

City Manager Wells inquired if Council would like him to include language that would handle the situation they are in now. Mayor Vierra responded yes, something along the line of, if notification a month prior to the expiration of their term that they are interested in staying on the Committee and that Council is fine with their past performance, then they have the ability to be reappointed without an application process. If they don't want to continue to serve, then that would trigger an open recruitment. Once they get to their second term, it would be a moot point, as they cannot reapply.

ACTION: Staff will return the item to Council for the reappointment of Paula Redfern and Don Cool at the next Council meeting and will bring the revised Ordinance to Council at a later date.

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 June 12, 2017, City Council meeting was posted on June 9, 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 22, 2017 Regular City Council meeting. (Vice-Mayor Kline Absent)

4. Register of Audited Demands for Period covering May 17, 2017 through June 1, 2017. (Dean)
5. **Resolution No. 2017-043**, accepting the Herndon Road Overlay-Reconstruction, STPL- 5241 (059) as Complete, Authorizing the Filing of the Notice of completion, Approve the balancing Contract Change Order and Retention Release to the Contractor. (Jordan)
6. **Resolution No. 2017-044**, approving the Annual Report of the Ceres Downtown Revitalization Area (CDRA) for Fiscal Year 2017-18 and Setting a Public Hearing on June 26, 2017 to approve a Levy Assessment for CDRA Activities and Projects. (Hallam)
7. **Resolution No. 2017-045**, approving an amendment to the StanCOG Joint Powers Agreement (JPA). (Wells)
8. **Resolution No. 2017-046**, declaring its intention to levy and collect fees for the 1987 landscape and lighting districts for fiscal year 2017/18, and direct the City Engineer to sign and Public Works Director to file an Engineers Report, and establish a public hearing on June 26, 2017 for the levy of the annual assessments. (Damas)

Mayor Vierra asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion. No items 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 **Vice Mayor Kline**, seconded by **Councilmember Ryno**, approving **Consent items 1-8. Motion passes 5/0/0** by the following roll call vote:

AYES:	5	Council Members:	Durossette, Lane, Ryno, Kline, 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

None.

PUBLIC HEARING

9. Public Hearing to consider adopting the Annual Budget for the City of Ceres for the 2017/18 Fiscal Year. (Wells)
 - a. **Resolution No. 2017-047**, establishing the classification, description, and salary range for the position of Police Dispatch Supervisor;
 - b. **Resolution No. 2017-048**, establishing the classification, description and salary range for the Position of Senior Planner;
 - c. **Resolution No. 2017-049**, approving Amendment No. 3 to the Employment Agreement with Toby Wells, City Manager;
 - d. **Resolution No. 2017-050**, adopting the Annual Budget for the City of Ceres for the 2017/18 Fiscal Year beginning July 1, 2017 and ending June 30, 2018; and
 - e. **Resolution No. 2017-051**, adopting the Appropriations Limitations for Fiscal Year 2017/18.

City Manager Wells reviewed the following: Current 16/17 Budget, Draft Fiscal Year 2017/18 Budget, Changes in Revenues and Expenditures, Significant Increases Draft FY 2017/18 versus Forecasted 16/17 Year End, Base Forecast, General Expenditures FY 2017/18, Measure H (Fund 262). He also reviewed the Fiscal Year 2017/18 Expenditure Summary and Detailed Ongoing Concerns and Other Funds.

Council Member Ryno inquired about the Detective Position and if it's a new Police Officer, a new assignment or an existing Police Officer. City Manager Wells responded that it is a new position, a new Police Officer. Council Member Ryno asked Chief Smith if the SDEA has been dismantled yet, or is it going to be dismantled. Chief Smith stated that he has a meeting with the County tomorrow. Council Member Ryno inquired if with the absence of SDEA, with all the new crimes going on in Ceres and across the country will the city possibly see more crime because of the SDEA being disbanded. Is the crime attributed to mostly gangs or drugs? Chief Smith responded, it's large scale operations that are mostly cartels and gangs. He does believe it will increase, but does not know what they are going to do with it. Council Member Ryno stated that the drugs are related to cartels, which are gangs. Chief Smith responded yes. Council Member Ryno further commented that she understands that the City Manager runs the organizational changes and that Council sets the Policy, but she wonders, given that the City is going to be looking at a potential increase in gang activity and with this new position, the detective, could they not hire a dispatch supervisor and hire another police officer and actually form the Street Crimes Unit that they used to have because that would benefit certainly more people in the community than a dispatch supervisor. She further stated that the Police Department has a lieutenant that is supervising dispatch and also has three lieutenants and a captain and she does not see why they can't continue to do that and add two more officers on the street for gang task force.

Chief Smith commented that they haven't had anyone assigned to SDEA for at least three years. Council Member Ryno asked if the City has the benefit of SDEA or not. Chief Smith stated that they use it as an insurance plan, in case there are any chemical spills or similar spills from labs. If they didn't pay into it then the City would have to pay for any large spills in the City. Yes, the City does have the benefit of SDEA and they operate in the whole County, but they have been suffering just like Ceres and there's people

assigned to SDEA. Chief Smith has heard that the Sheriff is going to take it over. He has a meeting with the Sheriff to discuss that topic. Chief Smith further stated that he has 8 fulltime dispatchers, which is a 24 hour operation and they need a dispatcher supervisor. The lieutenant is a manager and has several different assignments. It's difficult and by leaving it that way, they are just putting a band aid on something that is important to the patrol operation. If dispatch is not working properly, it effects everything they do on the streets and the calls received from the citizens.

City Manager Wells stated that the Street Crimes Unit that the City had previously had its function and focus very different than what they would want now. He sat down with Chief Smith and discussed what the biggest need in the Police Department in terms of staffing is. Chief stated the dispatch supervisor and another detective were the biggest needs. City Manager Wells commented that Chief Smith runs the operations of the Police Department and he relies on Chief's expertise of what is needed and the most effective way to deliver the services with the fiscal constraints they have. For this year and this situation and the factors they have today, he feels that this is the most appropriate staffing for the Police Department, given the constraints that the City is in.

Council Member Ryno commented that at the May Budget Workshop the Measure H Fund ending balance was shown as \$134,458, but this one shows \$1,388. City Manager Wells responded that is correct; those are the changes that were made to reflect all of the changes between the workshop and this meeting.

6:44 p.m. Mayor Vierra opened the Public Hearing. He asked, if anyone from the Public had any comments. There being no comments, Mayor Vierra brought the item back for Council discussion.

Council Member Ryno asked if the items can be voted on by separate action. City Attorney Tom Hallian stated that yes, they should be taken by separate action.

Motion by **Councilmember Durossette**, seconded by **Councilmember Lane**, **approving 9a. Resolution No. 2017-047 – Dispatch Supervisor. Motion passes 4/1/0** by the following roll call vote:

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

Motion by **Councilmember Lane**, seconded by **Councilmember Ryno**, approving **9b. Resolution No. 2017-048 – Senior Planner. Motion passes 5/0/0** by the following roll call vote:

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

Item 9c. - Resolution No. 2017-049 – City Manager Agreement

Council Member Ryno stated that she would like to correct the staff report, as it appears that all council members were in agreement that there would be a future increase and that compensation was in order. She did not agree to that because she does not believe the City Manager should be given a pay raise when all the other employees are not getting a pay raise. She does not think it's fair to the employees who haven't received a pay raise in years. She further stated that she would like to see, is the \$300,000 from the Kase Manufacturing Development Agreement that is in the proposed budget, that they don't have but are anticipating, not included in this coming budget and would like to wait until February or March when they have the \$300,000, and, in fact, if they do wind up with the money, that they should give all the employees, including the City Manager a raise then. She thinks it should be kind of bonus money like other cities that have received bonus dollars from developers. It should not be viewed as throwing it into the budget to try and lessen what they are taking from the reserve.

Mayor Vierra commented that he views it as a step increase. Council Member Ryno stated that she does not believe that the City Manager has a range or step increase. When he was hired, they hired him for a certain dollar amount. Other employees have a range, but there is no range for the City Manager.

Mayor Vierra stated that they have not given the City Manager a raise in three years. Council Member Ryno asked when was the last time we gave employees a raise. A lengthy discussion amongst Council ensued regarding employee step increases and salary range and the City Manager salary.

Mayor Vierra stated that a discussion was already held regarding how they were going to classify the Kase Manufacturing Development Agreement funds and that decision was already decided. Council Member Ryno stated that she did not agree with that decision. Mayor Vierra asked Council Member Ryno if she would like to make a motion making that recommendation. He also asked Council Member Ryno about the amendment to the staff report.

Council Member Ryno made a motion adopt Resolution No. 2017-049 not approving amendment number 3, and changing the staff report. **Motion failed to obtain a second.**

City Attorney Hallinan stated that he had a revision to the staff report also speaking to Council Member Ryno. The revision is as follows: On April 3, 2017 during a Special Closed Session, Council conducted the Annual review of the City Manager. The review of the performance of Mr. Wells over course of the past year was unanimously determined to be commendable with a 4/1 vote, with Council Member Ryno dissenting, and determined future in increase in compensation was in order.

Vice-Mayor Kline stated that he had a discussion with Mr. Wells last week. He was under the impression that they did discuss his compensation. The City Manager has not received a raise in three years. He thought they discussed it and an amount and thought it was decided as a Council that they would table it until after they found out what the budget would be. He asked when the concessions and step increases were unfrozen and returned to the employees. City Manager Wells stated that they unfroze the step increases when the concessions were returned in September 2014. Suzanne Dean, Finance Director stated that concessions were removed at the September 2014 meeting,

but were restored January 1, 2015. It was in the 2014/2015 budget. Vice Mayor Kline stated that City Manager Wells had not had a step increase in three years.

City Manager Wells commented that he was hired in 2014 at \$150,000 per year. In 2015, Council conducted his first annual review per his contract and was granted a 5% increase. Last year, no review was done and no increase was granted. This year, an evaluation was completed in April and the Council majority agreed to provide an increase and it would be included in the budget only after they were assured that the Council directive of an 18% reserve was met. He further inquired about step increases and the range for employees. City Manager Wells stated that generally speaking all employees, other than the City Manager, receive a 5% step increase. Public Safety is a little different; they have a sixth step.

Council Member Lane commented that he recalls back when Council directed a 10% concession from employees and froze steps, the previous City Manager took a 20% concession. When the concessions were given back, 10% plus the step increases and returned to the previous City Manager, he knows that the City Manager is well below where the previous City Manager Brad Kilger was at. Council Member Lane stated that he has received several phone calls and does not see it as a raise, but sees it as a concession back. He further stated that the Mayor is correct in stating that they have to get to this 18% reserve and staff has done that. There's other things that staff is working on to improve that even more to where hopefully Council will be able to see where they can give some money and raises back to some of the employees. He does not struggle with this action because of the statement that he just made. He knows full well that other city managers throughout the County that are in smaller cities are making more than City Manager Wells who oversees full services, Police, Fire, Water and Sewer. He has no issue with this and City Manager Wells has done a great job with that and Mr. Wells' goal is to see the City employees be happy and to that end, be able to provide raises to them. He knows that Mr. Wells is working hard every day to do that.

Council Member Durossette stated that he agrees 100% with what City Manager Wells has done for the City. The City has had other City Managers and if they had to search for a City Manager that would cost the City. He asked what is the cost to find somebody to hire a City Manager. Mayor Vierra commented that usually headhunters who call offering up employees and for an employee that is offered at \$130,000, the employer would have to pay a \$30,000 fee, plus a percentage of the salary for the first year. Council Member Durossette questioned what would that incoming person be worth, probably more than what they are currently giving to City Manager Wells. He is good with this item and knows that Mr. Wells is going to continue on his work to get employees more money and hopefully money comes in a little faster and hopes that Kase Manufacturing is successful.

Mayor Vierra stated that he wanted to put things into perspective. He obviously understands some of the comments, and it being a matter of principal, but the 5% they are talking about is \$409 a month. When they are looking at a \$1.2 million dollar budget deficit, it kind of puts things into perspective.

Motion by **Councilmember Durossette**, seconded by **Councilmember Lane**, approving **9c. Resolution No. 2017-049 – City Manager Agreement. Motion passes 4/1/0** by the following roll call vote:

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

Motion by **Councilmember Lane**, seconded by **Councilmember Durossette**, approving **9d. Resolution No. 2017-050 - Budget. Motion passes 3/2/0** by the following roll call vote:

AYES: 3 Council Members: Durossette, Lane, Mayor Vierra
NOES: 2 Council Member: Ryno, Kline
ABSENT: 0 Council Member: None

Motion by **Councilmember Durossette**, seconded by **Councilmember Lane**, approving **9e. Resolution No. 2017-051- Appropriations Limit. Motion passes 4/1/0** by the following roll call vote:

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

NEW BUSINESS

None.

DISCUSSION ITEMS

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.

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 Lane reminded the public about Concerts in the park.
- City Manager Wells, reported that the Centennial Committee will meet on Wednesday, June 13 at 5:30 p.m. He also stated that Council received an invitation regarding ACE Train in Downtown Modesto for a celebration. Ceres is looking to plan a similar event.
- City Attorney – Nothing to report.
- Departments
Tom Westbrook, Director of Community Development, reported that Save Mart got their final sign off for their building permit and announced their ribbon cutting ceremony.
Daryl Jordan, Engineering Director/City Engineer reported that the 4th Street project is underway.

Brent Smith, Chief of Police, reported that Captain Collins had returned from a 10 Week FBI training academy.

Steve Hallam, Redevelopment Manager reminded businesses to check visit the City's Economic Development webpage. This week that page is profiling an event that will be held on June 27 by the Stanislaus County Ag businesses that targets local agricultural businesses and provides information on available resources and small business opportunities.

- County Supervisor – Nothing to report.

ACTION: There being no further business, Mayor Vierra adjourned the Regular City Council meeting at 7:09 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. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
(Government Code § 54957)

REPORTS FROM CLOSED SESSION

7:24 p.m. Reconvened to Open Session

ACTION: Direction given to staff.

ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on Monday, June 26, 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 7:24 p.m.



Chris Vierra, Mayor

ATTEST:



Diane Nayares-Perez
City Clerk