



MINUTES

REGULAR MEETING OF THE CITY COUNCIL

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

Monday, June 26, 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

Vice Mayor Kline called the June 26, 2017 City Council meeting to order.

ROLL CALL

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

Absent: Mayor Vierra

INVOCATION

Invocation was given by Pastor Loren Gregory of Victory Assembly of God.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Vice Mayor Kline.

PRESENTATIONS

None.

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

Sheila Brandt commented on the new Save Mart store and how she is excited for its success. She asked that citizens provide their patronage and support to the new store. She is pleased with the commencement of work being done Downtown. It may be a temporary inconvenience, but it's going to look great. She is looking forward to seeing the improvements. In preparation for the City's Centennial Celebration, she would like to see the Ceres water tower painted.

Leonard Shepherd commented that he would also like to see the water tower painted up with the American flag and "Ceres in God We Trust." He also spoke regarding fireworks during 4th of July and the fire damage caused by illegal fireworks.

Jameo Walker spoke regarding the staffing levels of the Police Department and the number of officers assigned per shift. He stated that the City needs more police officers and a gang force unit. He further commented on the illegal dumping on Darrah Street and requested a "no dumping" sign be placed at that location. City Manager Wells responded that a sign can be placed at that location.

Tammy Arias advocated for additional lighting on Darrah Street, as there is not enough lighting on that block.

Don Donaldson, Vietnam War Veteran thanked Council for declaring the month of June as Disability Awareness Month in the City of Ceres.

APPOINTMENTS TO BOARDS/COMMISSIONS

- A. Approval of the reappointments of Don Cool and Paula Redfern to the Measure H Oversight Committee for a three-year term expiring on June 30, 2020. (Wells)

City Manager Wells provided a brief background of the item.

ACTION: Motion by **Council Member Lane**, seconded by **Council Member Durossette**, approving the reappointments of Don Cool and Paula Redfern to the Measure H Oversight Committee for a three-year term expiring on June 30, 2020. **Motion passes 4/0/1** by the following roll call vote:

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

- B. Measure L Appointment Discussion. (Wells)

City Manager Wells gave the report and explained that the Measure L is the recently enacted countywide half cent sales tax. The proposed Measure L Oversight Committee is made up with one representative from each City, with a public member at large. The process of applications was held over the past month. The City of Ceres had three applicants willing to serve. He asked for Council direction on how they would like to select

a representative.

Council Member Lane proposed that the Mayor and Vice Mayor, as they have done in the past, meet and interview the applicants and bring the recommendation back to Council.

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

ACTION: Council directed staff to coordinate the interviews of the three applicants with the Mayor and Vice Mayor.

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 June 26, 2017, City Council meeting was posted on June 21, 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 June 12, 2017 Regular City Council meeting.
4. Register of Audited Demands for Period covering June 8, 2017 through June 15, 2017. (Dean)

(Removed from Consent – Items 5a, 5b)

5. **General Correspondence – Information Only**
 - a. Public Works monthly report for May 2017. (Damas)
 - b. Water Conservation monthly report for May 2017. (Damas)
 - c. Recreation monthly report for May 2017. (Farris)
 - d. May Construction Activity and Revenue Generation Report (Westbrook)
 - e. Legislative Update. (Wells)
6. **Resolution No. 2017-052**, Adopting the StanCOG State Route 99 Corridor Enhancement Plan as the official landscape and architecture guidance document for future projects implemented on State Route 99. (Wells)

(Removed from Consent)

7. **Resolution No. 2017-053**, Ordering the Levy and Collection of Special Taxes for Fiscal Year 2017/18 within the City of Ceres Community Facilities District No. 1 (Public Services). (Damas)

(Removed from Consent)

8. **Resolution No. 2017-054**, Ordering the Levy and Collection of Special Taxes for Fiscal Year 2017/18 within the City of Ceres Community Facilities District No. 2 (Public Services). (Damas)
9. **Resolution No. 2017-055**, accepting the 2016 Sewer Rehabilitation Project as complete, approve the balancing contract change order, authorizing the filing of the Notice of Completion and Retention Release to the Contractor. (Jordan)
10. **Resolution No. 2017-056**, approving a One Year Extension to the Federal and Local Retainer Consultant Services Agreements for General Engineering, Traffic Engineering, Material Testing and Architectural Services for a term of one year, and authorizing the City Manager to execute the agreements. (Jordan)
11. **Resolution No. 2017-057**, approving a One Year Extension for Professional Redevelopment and Economic Development Consulting Services to Steven L. Hallam and Authorize the City Manager to Execute the Amendment No. 2 for these Services. (Wells)

Vice Mayor Kline asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion. Items 5a, 5b, 7 and 8 were removed from Consent.

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

ACTION: Motion by **Council Member Durossette**, seconded by **Council Member Ryno**, approving Consent Item 1-4, 5c,d, e, 6, 9-11. **Motion passes 4/0/1** by the following roll call vote:

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

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Items 5a, 5b; Don Donaldson

Mr. Donaldson inquired about water usage, and if any changes were made to the watering schedule. City Manager Wells responded that no changes have been made, it is still restricted to twice a week and prohibited daily from 12:00 noon to 7:00 pm.

ACTION: Motion by **Council Member Durossette**, seconded by **Council Member Lane**, approving **Items 5a and 5b**. **Motion passes 4/0/1** by the following roll call vote:

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

Items 7 and 8; Council Member Ryno

Council Member Ryno stated that the staff report states the CPI increase is 3.01% and she wondered why the resolution does not state what the fees are going to be. City Manager Wells responded that the calculation is done by NBS, to set the actual rate and that is done after the CPI is adjusted. Jeremy Damas, Public Works Director stated that the Landscape and Lighting District consists of a wide range that varies depending on the zone that they are at. City Manager Wells further commented that the CPI number has to be adopted, before you get the final number. The final NBI report will have that information and will list the actual assessment per parcel in both CFD 1 and CFD 2

ACTION: Motion by **Council Member Ryno**, seconded by **Council Member Lane**, approving **Items 7 and 8. Motion passes 4/0/1** by the following roll call vote:

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

UNFINISHED BUSINESS

None.

PUBLIC HEARING

12. Public Hearing to consider **Resolution No. 2017-058**, approving the Engineer’s Annual Report, confirming the assessment and ordering the levy for the 1987 Landscaping and Lighting District for Fiscal Year 2017-2018. (Damas)

Jeremy Damas, Public Works Director gave the report and stated that the Landscaping and Lighting District (LLD) was established in 2008. The assessment covers approximately, 5 residential zones, business districts and industrial tract. The assessment cover 6,500 parcels, 2,192 street lights, 8.21 acres of landscape medians, and 5.25 acres of Sam Ryno Park. The assessment this year will be increased 3.01%.

Council Member Ryno inquired about the monthly report that listed landscape maintenance and it stated performed weed abatement in all parks. She questioned if that includes pulling out weeds. Mr. Damas stated that it includes pulling, edging and spraying. She commented that it appears that Darrah is not collecting enough money to do the work that is needed. She asked if the City contracts with someone to do the landscaping and what is that cost. Mr. Damas responded that the Howard Training Center performs those tasks. Council Member Ryno stated the report says for landscape maintenance on Darrah Street, the district will spend \$2,282 out of \$2,499.64 from revenue. When looking at the budget, do they consider how much time they can spend out there, so that they don’t go over. Mr. Damas stated that they try, but have 11 acres to maintain with 122 right of way zones. Council Member Ryno stated that if you drive down Darrah Street, all you can see is rocks and weeds and she thinks it’s atrocious that the property owners are paying into it, but are not getting anything but weeds and rocks. At one point, she recalls that it used to be nicely landscaped. City Manager Wells stated that the challenges are the assessments across the board, as they are no where they should be. As a result, not

enough money is being collected. In order to increase the assessment, a Proposition 218 process is required. At this time, costs have far exceeded the cost to maintain. Council Member Ryno commented that Eastgate looks pretty good. However, the right of way on the north side (Eastgate and Whitmore) does not look very good. Mr. Damas stated that they replace 100 sprinklers a month in all zones, because the kids just go through and literally kick them off. He further stated that many of the plants die for lack of water and there is no funding to replace dead, dying plants and there are some bare spots. Council Member Ryno stated that Eastgate appears the best in the district. Boothe Road is mostly trees and weeds. Westpointe is an embarrassment as the medians are just full of weeds. If she had to live in that area and was paying an assessment, she would be very unhappy. It seems like the City does not care about the property. She presented pictures that she took that show the condition of the areas discussed. She further commented about a Cops and Dog event held at Ryno Park. The park looked atrocious; it had weeds four feet high. The City hosted the event and did not take the time to clean it up. She returned to the park the next morning and weeded the park even though she doesn't live in that neighborhood. She took her grandchildren to the park to play and for four months there was a ripped canopy on top of the play structure. There is a sign at the park that states "be a part of the team and keep it clean." There is no excuse for the condition of the park. She further stated that she noticed that a bid was announced in the Ceres Courier for Neel Park improvements.

City Manager Wells commented that with the budgetary constraints, there is not enough money to maintain all the parks and it's difficult with a staff of three. He stated that the City has only three parks maintenance workers, when in the past they had nine. If Council would allow a budget amendment to add \$100,000 to increase the budget, then that level of service could be provided by adding more staffing. Council Member Lane inquired about the scope of work for the maintenance of the parks. Mr. Damas stated that internal staff mow and that it takes 4 hours to mow River Bluff Park. They are trying to manage it with 3 parks employees. Council Member Lane commented that he knows that they don't have the staff, but would it be something they could contract out and bring back for discussion. City Manager Wells commented that they have taken it out to bid and received one bid for \$1.2 million. The Howard Training Center currently helps maintain for pennies on the on the dollar. However, that quality of care is not as high as if you hire a professional landscaper. Council Member Durossette asked how big of an impact the Love Ceres event had. Mr. Damas stated the event is a good one, but it is a onetime deal and you have to have staffing to stay on top of it to spray weeds, etc. He has been working with residents because of the trash and litter on the basketball courts. Parks are time consuming. The schools have community service groups that help and are he's also working with the Alliance and Boy Scouts. Vice Mayor Kline suggested that a maintenance schedule would be helpful for staff and that once they get that under control, then it would take a shorter time to take care of it. He knows that they can't do all the parks every week. He realizes it's easier said than done. City Manager Wells commented that the Public Works Director has been out mowing, because of the staffing shortage. Unfortunately they don't have enough staff and he's not making excuses as they are not proud of it, but have to be realist and put employees where they can do the most work possible. They are not in a position to make changes, unless there is a Proposition 218 vote to raise the assessment for the LLD. Council Member Ryno asked why anyone would vote for an increase, if it looks so bad out there. Why couldn't you put a team of three to landscape one park and knock it out in four hours. Mr. Damas stated that in addition to maintaining the parks, they also have to do weekly playground inspections required by the State and maintain irrigation

systems two to three days and that's not even counting River Bluff. Council Member Ryno responded, she does believe there are challenges, but maybe they need to step out of the box and try something else. They can clean up as a group effort and maybe six weeks later, go back and clean it again. They just can't leave a park looking like that and now they are going to try and make Neel Park look good and it's going to end up looking bad. Until you do something, it's going to keep on being a domino effect. It's an embarrassment; weeds do not pop up overnight. If they can't maintain the parks, then they should not be putting such nice landscaping in.

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

Leonard Shepherd stated that unfortunately people just don't seem to care. Council Member Lane's home is the jewel of Moffett, because he cares and it shows. It takes diligence from everyone to care about their neighborhoods.

Don Donaldson stated that he's not sure how they are going to clean up Smyrna Park. On Monday mornings, there is litter and graffiti everywhere. Several people from out of town are in the park. People who rent parks should clean up after themselves or be fined.

Vice Mayor Kline brought the item back for Council direction.

ACTION: Motion by Council Member Durossette, seconded by Council Member Lane, approving Item 12, **Resolution No. 2017-058. Motion passes 4/0/1** by the following roll call vote:

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

13. Public Hearing to consider **Resolution No. 2017-059**, establishing the Annual Assessment Levy for the 2017-18 Fiscal Year on the businesses in the Downtown Area defined in the Ceres Downtown Revitalization Area Board (CDRAB) Annual Report for the activities and programs of the Ceres Downtown Revitalization Area Board for Fiscal Year 2017-18. (Hallam)

Steve Hallam, Economic Development and Redevelopment Manager gave the report and background regarding the item. He stated that the proposed levy is the same as 1989. There is no proposed increase. He reviewed the fees and commented that \$12,750 was raised to support the District activities. Those funds pay for electricity, maintenance and rotating seasonal overhead banners and the CDRAB recommendations.

Vice Mayor Kline inquired if with the Downtown improvements, is the assessed amount going to be enough to maintain it or will it have to be changed. Mr. Hallam stated that once the project is complete the contractor is obligated to provide service for one year and then it will be reviewed.

Vice Mayor Kline opened the Public Hearing. He asked, if anyone from the Public had any

comments. There being no comments, Vice Mayor Kline brought the item back for Council direction.

ACTION: Motion by Council Member Ryno, seconded by Council Member Lane, approving Item 13, **Resolution No. 2017-059. Motion passes 4/0/1** by the following roll call vote:

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

NEW BUSINESS

14. Bertolotti Disposal Solid Waste Contract (Wells)

City Manager Wells gave the report and the history regarding the Bertolotti contract. He stated that this is the first time this item has returned to Council, since the contract was approved in 2010. The City has contracted with Bertolotti for nearly 50 years providing solid waste service and continues to provide outstanding service for the citizens of Ceres. The agreement is an eight year agreement, with a provision that it would roll over every year and add an additional year. For each year in agreement that the City does not provide notice, one year is added to the contract. As it stands today, they City is seven years in the agreement. If Council directs staff to give notice, that would set the end contract date to June 30, 2025. Staff asked for Council direction on either providing notice to Bertolotti to set an end date to the contract or provide no notice. Mr. Wells also gave a status update regarding potential changes, which are a separate issue than this. Discussion with Bertolotti have been held regarding potential changes to the bulky item pick-up process, changes to the leaf and limb program, and the potential to move to a three can system for solid waste. This will need to be further analyzed and presented to Council. The contract is still workable and staff is happy with it, but he just wanted to bring it to Council's attention that the notice has not been provided.

Council Member Lane commented that he's always said, if you have a contract and it's working well, why change anything. He believes that the contract can be amended. City Manager Wells stated yes, it can be amended. It's really not for this existing council, but future council. Mr. Lane stated that for him, he's perfectly fine with the contract. City Manager Wells stated that if you don't provide notice, the contract would continue for an undetermined timeframe. His second question is, if Council does not provide notice, would they like him to bring the contract back for review on an annual basis.

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

Leonard Shepherd stated that he thinks Bertolotti is doing a good job. The people of Ceres are doing a bad job and don't care about their City.

Jameo Walker commented that he keeps on hearing that people don't care, maybe they just don't know. He cares about his community. He cares about his block and his City and if he can help out with any cleaning on Darrah Street, he will.

Steve Holloway, General Manager at Bertolotti stated that his company has been serving the City for 45 years. Ceres was one of their first franchises in the County. Bertolotti has provided service to the County for 43 years, Newman 26 years, Modesto 16 years and Patterson 11 years. All are short term contracts, but all have perpetual clauses. The perpetual clause provides Bertolotti business planning and continuity. In the past, they use to apply for an extension every 18 months. Then they changed their contracts with all cities to rolling contracts; some roll every two years and some every year. Once the contract roll is below 5 years, it's hard for them to get financing for equipment. If the City wanted to add a third can, he would have to amortize it, which would be more costly over a shorter term. In order to keep rates as low as possible, he needs to amortize costs. If you don't have 5 years on a contract, it's difficult to get a loan. He has to project his costs. Their contracts are always 8 years, and the contracts always have checks and balances. If things are not going right then either party can give notice. Unless there's issues, it's a big change for a City to change a contract or let it run out. If they lose this contract, they lose their company and employees lose their jobs. They have over 20,000 cans in the City of Ceres. Unless there is a real issue that he's not aware of, he's not in the business of hiding behind a contract. Ceres, in the beginning, had regular cans and they were put on the curb. Ceres was the first to transition to automated cans. He feels like the bulky item program is successful, as residents can make an appointment for when they want it picked up. The leaf and limb program is valuable. There have been some issues, but you would have similar issues in any City. He asked Council to not give notice and they can work on any other issues. It would be difficult to transition to a third can, if the time frame of the contract is shortening and the costs would increase.

Vice Mayor Kline commented that during his business travels, he has noticed that the City of Ceres has quite a bit of an advantage compared to what other cities have. Ceres has a leaf and limb pick up all the time and bulky items are picked up. There are many citizens that are new to the area that don't know about it. He has not had any problem with it. If he sees items outside a resident's yard, he has called Bertolotti and requested a bulky item pickup. Bertolotti has done a good job with the Street Faire and other events.

Council Member Lane stated that he would like to move forward with the contract they currently have. The contract has a "meet and confer clause" if any issues arise. He relies on staff to inform them if any issues come up. Bertolotti has done an outstanding job, has serviced the City for 45 years and he appreciates their work.

Council Member Durossette agrees with Council Member Lane; 45 years is a long time. He can see how it saves money in regards to their costs. He does not think a third can is needed.

Council Member Ryno stated that she is good with the contract.

City Manager Wells asked if Council would like to have an annual review of the contract or only when issues arise.

Vice Mayor Kline stated that maybe it could be an annual review; as Council changes, at least future councilmembers will know what contracts the City has.

City Manager Wells commented that another option would be to review it during the Council Goal Setting meetings in February.

ACTION: Council directed staff not to give notice and to review the contract during the Council Goal Setting meetings.

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.

No Council referrals.

REPORTS

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

- Mayor – Not in attendance.
- City Council – Nothing to report.
- City Manager
City Manager Wells reported that the Save Mart renovation is complete and that the Grand Opening will be held this Wednesday. The Centennial Committee continues to meet and they are making good progress. He also commented on the requests to paint the water tower. He wishes it was that easy, as putting a coat of paint. There are structural improvements that need to be made to it. It would have to be completely shrouded to remove the existing paint. It's an expensive endeavor; the cost has been estimated at \$500,000. It would require extensive fundraising.
- City Attorney – Nothing to report.
- Departments
Daryl Jordan, Engineering Director/City Engineer reported that the Downtown project is moving forward. Demolition went quickly and he is keeping contractors busy in an effort to complete project in a timely manner. He is meeting with the businesses on an almost daily basis to keep them informed of the progress.
- County Supervisor - Nothing to report.

ACTION: There being no further business, Mayor Vierra adjourned the Regular City Council meeting at 7:19 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**

REPORTS FROM CLOSED SESSION

7:34 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, July 10, 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, Vice Mayor Kline adjourned the meeting at 7:34 p.m.

Mike Kline, Vice Mayor

ATTEST:

Diane Nayares-Perez
City Clerk