



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**

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

**Monday, July 10, 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 July 10, 2017 Regular City Council meeting to order.

**ROLL CALL**

Mayor: Vierra  
Council Members: Durossette, Lane, Ryno

Vice Mayor Kline Absent

**INVOCATION**

Invocation was given by Pastor Nathan Haley, Victory Assembly of God.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Mayor Vierra.

**PRESENTATIONS**

A. Proclamation declaring July National Parks and Recreation Month. (Farris)

Mayor Vierra presented the proclamation to Traci Farris, Recreation Manager.

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

Anne Marie Montgomery, Ceres Library Branch Supervisor, announced the Library events for July and August.

Leonard Shepherd commented on the amount of illegal fireworks during 4<sup>th</sup> of July. He also commented on the importance of libraries and getting children to read books.

**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 July 10, 2017, City Council meeting was posted on July 5, 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 26, 2017 Regular City Council meeting. (Mayor Vierra absent)
4. Register of Audited Demands for Period covering June 21, 2017 through June 29, 2017. (Dean)
5. General Correspondence – **Information Only**
  - a. Redevelopment & Economic Development Department Monthly Report – June. (Hallam)
6. **Resolution 2017-060**, accepting the Ceres Police Department Restroom Remodel Project as Complete, Approve the Balancing Contract Change Order, Authorizing the Filing of the Notice of Completion and Retention Release to the Contractor. (Jordan)
7. **Resolution 2017-061**, approving the Purchase of Additional Storage for Police Department Evidence Room and authorizing the City Manager to execute the purchase order. (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. 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.

**ACTION:** Motion by **Council Member Durossette** seconded by **Council Member Ryno**, approving Consent Items 1-7. **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:	Vice Mayor Kline

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

None.

#### UNFINISHED BUSINESS

None.

#### PUBLIC HEARING

8. Public Hearing to Consider introduction of **Ordinance No. 1041**, adding Section 2.24.030 to Chapter 2.24 of Title 2 of the Ceres Municipal Code Related to the Recruitment and Designation of Reserve Police Officers. (Smith)

Brent Smith, Chief of Police gave the report. He explained that during a recent POST (Police Officers Standards and Training) audit, it was discovered that the City of Ceres Municipal Code does not have a section that authorizes the Chief of Police to recruit and designate Reserve Officers as required by Penal Code Section 830.6(a)(2). There are three levels of Reserve Officers recognized by POST. A Level One Reserve Officer is required to meet the same standards as a full-time Police Officer and is the only classification of Reserve Officer the Ceres Police Department employs. Without the added section to the City of Ceres Municipal Code, the City is out of compliance with State regulations and the Chief of Police or his/her designee will not be able to recruit and designate Level One Reserve Officers.

Mayor Vierra opened the Public Hearing and asked, if anyone from the Public had any comment and the following citizen's spoke:

Leonard Shepherd spoke in favor of the Ordinance.

Mayor Vierra brought the item back to Council for direction.

**ACTION:** Motion by Council Member Lane seconded by Council Member Durossette, approving the introduction of **Ordinance No. 1041**. **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:	Vice Mayor Kline

9. Public Hearing to Consider introduction of **Ordinance No. 1042**, adding Chapter 5, Disposal of Pharmaceutical Controlled Substances, to Title 4 – Public Welfare, Safety and Health of the Ceres Municipal Code in association with the Drop the Drugs Prescription Medication Disposal Program. (Smith)

Chief Smith gave an introduction of the item and presented Jim Roakitis and Joe Olvera retired police officers who are with Stanislaus County’s Drop the Drugs Program.

Mr. Roakitis discussed what prescription drug abuse is and the connection between opioids and heroin. He also discussed prescription drug abuse in Stanislaus County. He explained the Drop the Drug Program. Approval of the Ordinance will allow a prescription drug drop box in the lobby of the Ceres Police Department. Police Department staff, in partnership with Stanislaus County Behavioral Health and Recovery Services, Alcohol and Other Drugs Education and Prevention Services, have determined it would benefit the citizens of Ceres to have a secure drop box in the lobby of the Ceres Police Department to allow citizens to dispose of their unwanted, unused, or expired pharmaceutical controlled substances. A local Ordinance enacted by the City Council is necessary to authorize this activity in compliance with Title 21 Code of Federal Regulations, section 1301.24 (a)(2).

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

Leonard Shepherd spoke in favor of the Ordinance.

Mayor Vierra brought the item back to Council for direction.

Council Member Ryno inquired if the Police Department’s lobby would have to be modified for the drop box and if the lobby can currently accommodate the drop box. Chief Smith stated that the drop box will have to be bolted to the floor and there is enough room for it. There are plans for remodeling of the lobby for the next fiscal year.

Council Member Ryno further inquired about the costs involved. The report states that the County has offered to cover the startup costs. She asked what costs are involved after that. Mr. Roakitis stated that the County will purchase the box and the wrap for the box. They will also put together the fliers for the program.

Council Member Ryno also stated that the staff report indicates that the secured drop box will be placed in the lobby of the Ceres Police Department, but the Ordinance states that the secured drop box will be in the lobby of the Ceres Police Department or “any other designated facility as authorized by the Chief of Police.” She would like the Ordinance to

state that the secured drop box will be in the lobby of the Ceres Police Department and delete “or any other facilities designated by the Chief of Police.” City Manager Wells commented that the change could be made; however, if there were changes that needed to be made at some point in the future, it would be easier to facilitate that change without having to amend the Ordinance and have another public hearing. He suggested that the language remain the same, and add “upon Council approval by resolution.” Council Member Ryno was fine with the proposed change by the City Manager.

**ACTION:** Motion by Council Member Ryno, seconded by Council Member Durossette, approving introduction of Ordinance No. 1042 with the revision to add the following text to the Ordinance: add “upon Council approval by resolution.” **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:	Vice Mayor Kline

10. Public Hearing to Consider **Resolution No. 2017-062**, a New Schedule of Fees and Charges for City Facility and Park Rental Rates. (Farris)

Traci Farris, Recreation Manager gave the report. She reviewed the following: Tiered pricing structure – old vs new; Illustrative examples of pricing breakdown; Ancillary Fees – Security and Insurance; and, the proposed price increases for all facilities and parks.

Council Member Ryno inquired about the Smyrna Park picnic area (areas 7 and 8), and if they already have the existing tables out there. Ms. Farris stated that she is working with Public Works to purchase the tables. Council Member Ryno asked where the money is coming from to purchase the tables. Jeremy Damas, Public Works Director stated that the money to purchase 4 tables is coming from the Ceres Community Foundation and 4 are already in the budget. Council Member Ryno inquired if the cement is already there for the tables. Mr. Damas stated yes, that was done two weeks ago. Council Member Ryno also asked if there is a rentable picnic area at Strawberry Park. Mr. Damas stated there's a very small area that he is not recommending. She further inquired about the little park on Tenth Street and Evalee Lane and if there are any tables to rent there. Mr. Damas stated that there are benches around a picnic area and one table with a little barbeque pit, but he is also not recommending renting that.

Council Member Ryno commented on Sam Ryno Park. She received a call from someone in the Brown area that was concerned because they felt that they are already paying into the landscape and lighting district (LLD) and they felt that they shouldn't have to pay to reserve this picnic area. City Manager Wells responded that the LLD function is for maintenance and that maintenance is routine park maintenance and general maintenance of the covered area. This fee program is providing the reservation process and incremental increase in costs associated with the concentrated use of that facility, which generates more trash and clean-up for staff associated with the rental of that facility. It is separate from the base maintenance, which is for anybody's use. There hasn't, to date, been any challenges with first come, first serve service that he has seen in other communities that once it gets popular and folks strive to reserve that area, it provides some assurances that folks can have their birthday parties and schedule it accordingly. The

challenge in using the alternative approach is having to verify if they live in that area and how many reservations would they allow for unlimited use. Could a particular resident lock it up for extended period of time; there's logistical challenges. This was something staff came up with; it's not a large dollar amount but it is something that the community values, because they continue to use those facilities and pay rental fees. It provides an opportunity for a small amount of revenue and provides the option to reserve it to the community. He can understand the concerns and he sees it as two different fees.

Council Member Ryno stated that he might see it as two different fees, but she does not and she does not think it will generate that much money from the reservation, because they are already paying for 60 minutes of maintenance worker time and other times associated with it. She further commented that she can see the difference between that park and Roeding Park, as they don't pay any extra fees. She would like to see it excluded only because of the concerns from someone who lives in that area, that they already feel they are paying for the use of the park.

Council Member Durossette commented that he lives off Moffett and Acorn and would he be able to use Smyrna Park without reserving it. Council Member Ryno stated that you don't have to pay to reserve it, but you do take a chance that somebody will get there early and take the spot. She stated that she is not referring to Smyrna Park, which is a Community Park; she is talking about neighborhood parks. She wondered if people from Modesto that use Smyrna Park know that they have a park in the neighborhood that could be reserved. You can't compare Smyrna Park and a Neighborhood Park, as they are not the same.

Council Member Lane commented on the Tier 1 and Tier 2 proposed fees. He stated that living near Smyrna Park, he has seen how the crowds gather at the Lyons covered area and he has been by after parties and seen the trash left over and the cleaning that staff has done after the events. It's a large area with 25 tables and 2 large grills. The Tier 1 rental rate is \$77 with a \$20 deposit. If you compare Rotary Grove that has 10 tables and 4 small barbeque grills, the rental fee is the same. Is there a reason why that shouldn't be more than what it is? Traci Farris, Recreation Manager responded that she had to average out the time. Some days it does not take that long to clean and she wanted to remain consistent on all covered areas. Council Member Lane stated that he does not see it different from a smaller hall to large hall. He commented that he would like to take an extra look at the rates relative to the larger and smaller spaces. There was a lengthy discussion amongst Council and staff regarding the averaging out of staff time, the fees for the larger and smaller facilities and the reasonable clean up time. City Manager Wells stated that it is a relative estimate over the course of the year of all different events and how much time staff is spending on a particular area. It is an estimate. They could do a fee study and analyze the time spent on the size of a party at each one of these. They would use the same methodology that was used before, so it's the return value on how much effort do they want to spend to get a really accurate number, versus a relatively reasonable estimate with measured out and balanced time. It is reasonable; could it be justified to be higher? Possibly, but they have that balance to try and not price themselves out. Council Member Ryno asked Mr. Damas if his staff could tell him how much time they spend cleaning up the 25 table area. Mr. Damas responded that yes, that is also done with the annual budget to project the ISF fees, so they could come up with some number. That was done when this item was put together with some rough numbers. Council Member Durossette commented that many people have used that space for weddings and

quincenerias. He commented on outsiders also renting Smyrna Park. He is looking at the proposed fees and the commercial nonresident and the resident nonprofit. Could there be a nonprofit fee for residents that do not live in the area? Most people that are using the area are not from Ceres. He likes the two tiers, but regarding nonprofits from out of town, he would like that looked at. Ms. Farris commented that they have currently been charging the same price at Smyrna as River Bluff. She took into consideration that the fees that were in place for all the covered areas were the same. For nonprofits, it's atypical that out of town areas will reserve. There was a discussion regarding the commercial nonresident fees. City Manager Wells commented that the fee structure is set up at 100% cost recovery, which is the commercial nonprofit and a 10% discount for residents and nonprofits. Those receive a discount, as nonprofits are not making any money off the rental and residents are paying taxes into the City. The fees were simplified per Council direction. Mayor Vierra commented that his opinion is that with 25 tables at the Lyons area, that would be a price premium for that area. He would imagine that that area is rented first and foremost. As far as the deposit, what happens if they didn't have a policy? Can someone camp out to reserve that spot? Mr. Damas responded that overnight stay is not allowed and Ontel Security would ask them to leave. However, residents are typically there at 6 a.m. to reserve their spots. Ms. Farris made a correction to the price sheet and stated that the deposit was increased from \$20 to \$40. Council Member Ryno inquired if the deposit is refundable. Ms. Farris stated that yes, it is refundable when the key is returned.

Council Member Lane commented on Smyrna Park and if there has to be a fee study. City Manager Wells stated that yes, there would have to be a fee study. He suggested that the item be continued to the next meeting. This way they can incorporate Council's direction and review the fees in the study.

Council Member Ryno asked if part of the review of the study would include talking to maintenance staff. City Manager Wells responded that yes, that would be included.

City Manager Wells inquired about the direction from Council regarding Sam Ryno Park.

Council Member Ryno commented that based on what she heard from a resident, she would say not to include it in the fee structure and if something changes in the future and there are problems, then at that time, they can revisit making reservations. Council collectively agreed to remove Ryno Park from the reservation list.

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

**ACTION:** Motion by Council Member Lane, seconded by Council Member Ryno, approving to continue the item to the July 24, 2017 Council Meeting. **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:	Vice Mayor Kline

**NEW BUSINESS**

11. Consider an Out of Boundary Service Extension Request to extend a City of Ceres water line approximately 3000' to the Ceres West Mobile Home Park at 2030 East Grayson Road. (Wells, Damas, Westbrook)

City Manager Wells gave a brief overview of the item. He stated that this is the second request from the applicant. At the June 13, 2016 Council Meeting, City Council directed staff not to expend any time working on this request.

The purpose of the request was generated by the need to find a clean water source as the on-site well had traces of arsenic above state standards and the County Department of Environmental Health had issued a compliance order. Applicant has completed a Water Supply Feasibility Study that provided two viable alternatives and the applicant, and the State Board has a strong preferred alternative for Ceres West Mobile Home Park connection to the City's system. Staff is not supportive of this issue due to the concerns and long term issues.

Brenda Comfort gave an introduction of the request and introduced Alfonso Manrique from AM Consulting Engineers. Mr. Manrique stated that the park has not much room to drill a new well and that water from a new source and that water would likely also be contaminated with arsenic. He also commented on one solution of adding water purifiers under the sinks of all units is seen as short-term and not dependable by the State. A water treatment system is not the most cost-effective for residents of the park, which is a disadvantaged community. He stated that they reviewed the costs and the most cost effective option was connecting to the City. They do not have the financial ability to sustain their own water system. Joining another larger water system would be the most cost effective option for the disadvantaged residents.

Michelle Frederick, Northern California Consolidation Coordinator for the State Water Resources Control Board spoke in support of the request. She helps small water systems that are struggling, to work problems through consolidation. This disadvantaged community is twice the legal limits in arsenic. It is a concern to them as a public health issue. The mobile home park needs technical well trained water operators. She mentioned the different mobile home parks in Ceres and stated that she found three that are not served by Modesto or Ceres. One is Sunrise Village mobile home park, El Rancho Mobile Estate and Mobile Plaza Park. Mobile Plaza Park is part of a consolidation with Keyes. Of the ones that are in existence right now, she did not find a tremendous precedent setting. In January 2017, SB 1263 was implemented. It is a bill that is supposed to help decrease the number of small and sustainable water systems that are forming in California. In order for the County to permit a water system, they now must have State approval. Part of it includes local primacy agencies where the County covers water systems that are under 200 connections. They will work with the County to make sure those type of water systems are not forming. She stated that Prop 218 is not required for mobile home parks to raise rates. She understands the concerns for potential of nonpayment, but this is a different scenario as there are not individual residents. The residents are under the jurisdiction HUD, and if there is a problem with payment the City



can reach out to them. She stated that the Board would like to see the connection. She further commented that the State has incentive programs for disadvantaged communities and offers a zero-interest loans to assist with these type of projects.

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

Mayor Vierra stated that he has heard this referred to as a disadvantaged community. His understanding is that it is a for-profit mobile home park. City Manager Wells stated that it is in an area considered disadvantaged, but the mobile home park is a for-profit business.

Council Member Durossette commented in the near future, there will be a surface water project and the City did a process with Monterey Park Tract and they understand what will be happening with the surface water project. He cannot see allowing this at this time, as it is going to affect the City rate payers. What happens when the City raises rates once the surface water system goes on line, or if the park is sold? The City still has water issues. It was stated that the City can reach out to other state agencies for assistance with nonpayment. However, the City does not have the staff and time to do that. He also wondered what the County is doing about this issue. This is really a County issue. He feels for the people that do not have clean drinking water, but at this present time he cannot support it.

Council Member Lane does not see the County involved in this project. These are two different things; Monterey Park Tract was a Community Service District, not privately owned for profit and the County was very involved, so the City is pretty secure there. He sees the concerns, but this is different and there are other properties around there. He asked who tested the water. Ms. Frederick stated that each individual public water system tests their own water and the County and State receive the results. Council Member Lane commented that the County is aware of the issue, but they are not here. He can't support it.

Mayor Vierra stated that he agrees with Council Member Lane. The issue before them is different from when the City extended a water line to the Monterey Park Tract. He stated that Monterey Park Tract is a rural neighborhood overseen by an elected Community Services District, whereas Ceres West Mobile Home Park is a for-profit business. Also, the County guarantees it would financially step in should there be collection problems from Monterey Park residents. If Council were to approve this request, then that could set a precedent that would result in a number of other requests from the rural mobile home parks surrounding Ceres, which may find wells failing to meet state water quality standards. If the owner sells in a year and a half and now they're dealing with somebody else who doesn't want to take a rate increase that they're going to have for the surface water project. With the state of the City's budget, he would not want the City to be on the hook for the operating and maintenance of the water line. If the mobile home park would get an annexation, then he would be more than happy to serve them. They would like to help, but there are a lot of issues with this, especially being a for-profit business.

Ms. Frederick inquired if annexation would solve this issue. Mayor Vierra stated, if they annexed yes. However, LAFCO would have to approve and he's not sure if they would. He would like to see if they can become self-sufficient on their own.

Council Member Ryno stated that she agrees with the rest of Council that the request should not be approved.

**ACTION:** Motion by **Council Member Lane**, seconded by **Council Member Ryno**, to deny the Out of Boundary Service Extension Request to extend a City of Ceres water line approximately 3000' to the Ceres West Mobile Home Park at 2030 East Grayson Road. **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:	Vice Mayor Kline

### 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 – None
- City Council - None
- City Manager Wells reported that the next Centennial meeting will be held on Tuesday, July 11 at 5 p.m. He will have the privilege to travel to Sacramento this Wednesday to testify at a Senate Hearing regarding SB 373 sponsored by Senator Canella. It is a bill regarding using design-build process for surface water project. Closed Session will not be needed for this evening.
- City Attorney - None
- Departments
  - Tom Westbrook, Director of Community Development, reported that Whitmore Ranch Specific Plan General Plan staff is starting to receive administrative drafts of the documents. It's likely that the EIRs and drafts will be available late summer early fall.
  - Daryl Jordan, Engineering Director/City Engineer reported that the total projected timeline for the 4<sup>th</sup> Street Improvements was 3 months. The project is now 2 to 3 weeks in; they will continue the electrical conduit work and will start on the storm drain next week.
  - Brent Smith, Chief of Police, stated that he provided Council with the Police Department's 2016 Annual Report. He also introduced Kenny Taylor the new Code Enforcement Officer.
- County Supervisor not in attendance.

**CLOSED SESSION**

**Action: Closed Session was canceled.**

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**

**ADJOURNMENT**

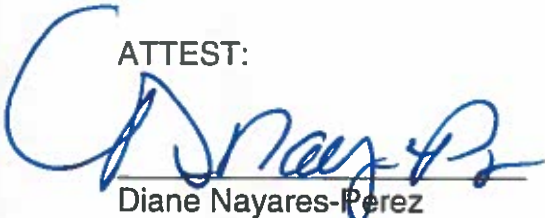
The next regularly scheduled City Council Meeting is scheduled to be held on Monday, July 24, 2017 at 6:00 p.m. in the City Council Chambers located in the Community Center at 2701 Fourth Street, Ceres, CA

There being no further business, Mayor Vierra adjourned the meeting at 7:46 p.m.



Chris Vierra, Mayor

ATTEST:



Diane Nayares-Perez  
City Clerk