

CITY OF CERES
PLANNING COMMISSION
MINUTES

October 21, 2013

MEETING CALLED TO ORDER: 6:00 p.m.

ROLL CALL:

PRESENT: Chapman, Del Nero, Kachel, Molina. Smith

ABSENT: None

ALSO PRESENT: Director of Community Development Tom Westbrook, Deputy City Manager/City Engineer Toby Wells, Deputy City Manager/Finance Director Sheila Cumberland, City Attorney Mike Lyons, Redevelopment and Economic Development Manager Bryan Briggs, Associate Planner James Michaels, Secretary/Deputy City Clerk Ann Montgomery

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Del Nero.

APPROVAL OF MINUTES:

None

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATIONS:

None

APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND CERTIFICATION OF POSTING:

It was moved by Commissioner Smith, seconded by Commissioner Chapman to approve the agenda as posted; Carried 5/0.

CONSENT CALENDAR:

None

**ADJOURN AS THE PLANNING COMMISSION TO THE CERES DOWNTOWN
REVITALIZATION AREA BOARD**

MEETING CALLED TO ORDER: 6:03 p.m.

ROLL CALL:

PRESENT: Chapman, Del Nero, Kachel, Molina, Smith

ABSENT: None

ALSO PRESENT: Director of Community Development Tom Westbrook, Deputy City Manager/City Engineer Toby Wells, Deputy City Manager/Finance Director Sheila Cumberland, City Attorney Mike Lyons, Redevelopment and Economic Development Manager Bryan Briggs, Associate Planner James Michaels, Secretary/Deputy City Clerk Ann Montgomery

CONFLICT OF INTEREST

None

NEW BUSINESS

1. Ceres Downtown Revitalization Area Board Program Discussion.

Bryan Briggs, Redevelopment and Economic Development Manager began the meeting by welcoming everyone and providing some background, leading to this meeting.

Commissioner Smith thanked everyone for attending this evening and asked each one to introduce themselves. Attendees included representatives from the Chamber of Commerce, the Alliance, several business owners and area residents.

Commissioner Smith explained that she had spoken with Renee Ledbetter, Vice Chair of the Ceres Chamber of Commerce over the past few weeks. The Chamber has been very active in trying to partner with the City and the Alliance, in helping us to come together and develop some ideas to bring some changes and renovations in our downtown.

Ms. Ledbetter handed out a Ceres Chamber of Commerce “Report to Ceres Downtown Business Improvement District,” which summarized the Chamber’s informal discussions with some downtown business owners. Concerns included: downtown not being very business friendly, businesses felt they were not being heard, businesses are paying quarterly dues and wondering where their money is going, businesses would like to see more foot traffic downtown, handicap accessibility on sidewalks, especially along 4th Street, signage, and revitalization of the downtown area.

Commissioner Smith thanked Ms. Ledbetter and the Chamber for talking with the business owners and communicating their concerns. She perceives tonight as an opportunity to communicate concerns and issues with the City, the Chamber and the Alliance, that we can work on. We need to prioritize and tackle them one by one.

Mr. Briggs briefly explained the ten “Programs That May Be Implemented for the Benefit of the Downtown Business Improvement District” that were included on pages 4 and 5 in his staff report, for consideration. Commissioner Smith remarked that she’d like to hear from other committee members; however, she’d like to see way finding signs, perhaps on Mitchell, Central and Moffett.

Steven Ames from the Stanislaus Workforce Alliance inquired about restrictions and allowable uses for the funds.

Mr. Briggs explained that in 1988 an ordinance creating the Downtown Improvement District was adopted and listed the five separate categories that the funds must be spent on:

- Landscaping and beautification of the area
- Installation of colored crosswalks at selected intersections
- Street fixtures and furniture
- Replacement of select curb, gutter and sidewalks
- Reconstruction of alleys within the area and onsite paving behind the business to provide additional parking

The ordinance for the BID was amended in 1994; stating the funds can be spent on anything that will benefit the downtown.

Commissioner Smith inquired what the budget is currently spent on.

Mr. Briggs listed some of the annual expenditures:

- Electricity for street lights
- Water for irrigation of the landscape
- Labor for putting up and taking down Seasonal banners
- Postage and paper for mailings
- Concerts in the Park

The total expenditures proposed for fiscal 2013-14 were just over \$21,000. The annual revenue at its highest point was just over \$17,000; at its lowest point \$14,000. The fund balance is approximately \$70,000 currently.

Shane Parsons, business owner inquired if non-profits are excluded. Mr. Briggs explained that government and church properties (non-profits) consist of 21% of the downtown. Of the 121 properties, 26 or 21% are non-residential or non-commercial. Of the 26, 18 are government. Only 37% - commercial properties, pay fees.

Mr. Briggs provided clarification of the geographic boundaries of the downtown: the first property line on the northerly side of Magnolia Street, starting at El Camino, stretching down to 6th Street, turn right, going south all the way down 6th to Park street, west on Park to El Camino, right, going northwest on El Camino, until it touches the back of the first property line on the northerly side of Magnolia Street. He also clarified that the first block off Whitmore is not included in that.

Mr. Parsons stated he has nothing against the Concerts in the Park, but asked why funding is spent on Concerts in the Park, since the downtown businesses aren't open in the evenings. It sounds like money is being depleted at a rather rapid rate; we're bringing in less than what we are spending.

Commissioner Smith explained that CDRAB is trying to use some of the reserves to make a positive impact on the Downtown. Commissioner Smith appreciated the feedback, and stated that is one of purposes of this meeting, to get feedback from the downtown business owners. She is a big fan of the Way Finding Signs. Mr. Parsons likes the façade program and is in favor of improving the appearance of the area. Lea Ann Hoogestraat suggested that we look around; what's the easiest thing to do? Clean up and make it appealing, so that people will want to come here.

Commissioner Chapman referred to the list of ten projects in Mr. Briggs staff report, which included the estimated costs, noting specifically the Façade Improvement Program (\$50,000 - \$70,000). He posed the question about what do you see when you drive north toward Ceres on the 99; 4th Street. We need to market the downtown; grab people and focus their attention.

Ms. Hoogestraat asked why money is spent on the electricity for street lights, and why isn't this taken out of a different fund.

Mr. Lyons explained that he thought it was a budgetary issue at one time. Mr. Wells explained the electricity is for the street lights and the holiday decorations in that area; it's a very minimal amount, approximately \$500 per year. Mr. Briggs reported that it was much more than that, around \$3,000 per quarter or \$12,000 per year; it's our largest line item in the budget. Commissioner Smith requested that Mr. Briggs find out the origin of that expense being charged to the BID.

Commissioner Molina asked when speaking about the downtown area, façade improvement program, can we begin the process of beautification with the most immediate area, 4th Street? Commissioner Smith clarified that the district, as indicated on the map on page 3 of the staff report, is eligible for any program paid for by the BID. Commissioner Chapman stated property owners have to be on board as well, agreeing to the changes that are being made. Mr. Briggs added that it is good public policy and practice to have property owners approving something your business owners are doing.

Commissioner Smith remarked that we're not making any decisions tonight; we're collecting information and feedback. The next step needs to be, staff will put together an analysis of what we've discussed, and the associated costs and we'll get back together prioritize them, based on what we've talked about and the biggest needs. Mr. Briggs added that once this is completed, the BID will take it up to the City Council. City Council has final authority over any programs or projects, and once the budget is approved, the City Manager has the final authority for the expenditure of any funds in the CDRAB budget.

Ms. Ledbetter asked Mr. Briggs if he identified a vacancy rate in the BID.

Mr. Briggs responded that the vacancy rate for commercial properties is 12.5% and there's a 0% vacancy rate for residential properties.

Commissioner Smith asked if anyone in the audience had a question or comment:

Beatrice Hendrix pointed out that Ceres is in a unique situation, because of the access off the freeway. It's sad that we're missing the opportunity that we have, of potential attraction to consumers, with our location. Many cities that have done revitalization have picked and followed a theme. With that theme, come the enticements to bring in the businesses that will bring the consumer.

Commissioner Molina posed a question to the business owners; we've heard a lot about perhaps the City not reaching out or we're not there for the business owners. He would like to hear from the businesses as to what would they like us to do?

Business owner, Mr. Gutierrez from Pinatas, has been in that building nearly three years, and reported that he hasn't seen anyone from the City come to his place. He is hearing tonight about things that were decided in 2009, 2010, and nothing has been accomplished, and asked how long does it take?

In response, Mr. Briggs explained the Downtown Specific Plan which was developed in 2011, envisions revitalization of our Downtown. The City has taken that action. Mr. Briggs stated that he goes out to the downtown businesses a minimum of four times per year, inviting them to meetings. He did stop at Pinatas and met his wife.

Commissioner Smith thanked Mr. Gutierrez for attending this evening and for speaking up. She hopes he will continue to come to these meetings, as it's important for him to be here, and we appreciate it very much.

Ms. Ledbetter asked a question of City Attorney, Mike Lyons. She knows that we can not dictate who property owners bring into their businesses. But, can we look at the City Ordinance to say we will have an "x" number of businesses of a certain type in the downtown area. She keeps hearing "economic development," and we only have 37% paying into this; that's a huge problem. We need to address the types of businesses that are going to be a part of the downtown district, or we need to figure out a way to work around it. If we're really concerned about economic development, we need to look at the ordinance to have certain types of businesses downtown that are going to generate that money. Do we have a city wide ordinance that prevents a building from sitting vacant for an extended period of time? She doesn't like seeing empty shelves, when a business vacates one building and moves to another. Is there some kind of ordinance we can impose where a landowner is required to fill the spot in a certain period of time?

Mr. Lyons stated we have an abandon and vacant building ordinance, which requires such buildings to be secured/boarded up from a public safety standpoint. He explained that we can't compel an owner to put a tenant in a building. That's driven by the marketplace. We don't have the ability to do that.

Mr. Parsons inquired about an ordinance that states what type of businesses can go in there.

Mr. Lyons explained that the uses of properties are determined by our zoning ordinance, and what types of uses are permitted within the zone.

Mr. Wells remarked the zoning was already there, and the ultimate use for the business to change it to a commercial function was created by the Downtown Specific Plan. The important thing to note is that the baseline document is created; the vision has already been painted. The challenge is that the state pulled the rug out from underneath us. When this document was put into place in 2010/2011, we had big dollar needs. The primary focus is how is this thing going to be funded; primarily with the Redevelopment Agency proceeds. Those were yanked out from underneath us, by the State. He understands the comments about nothing being done. With all the workshops in 2009, there was a lot of momentum, and then the redevelopment funds were taken away.

Commissioner Smith asked in spite of the fact that there's no funding available for the projects contained in the Specific Plan, if the zoning in the Specific Plan is still valid. Yes, it is. Do we have grandfathered uses that are not authorized in the Specific Plan?

Ms. Ledbetter suggested that if the funds aren't there for that Specific Plan, that gives us an opportunity to re-evaluate this plan to our current economic situation. She definitely doesn't want to see a \$100,000 consultant; she would rather see an Advisory Committee of the downtown business owners take this on.

Mr. Briggs explained the funding for the Downtown Specific Plan, is for the City's part of it's implementation. This is a public/private partnership. Any business investor, who is interested in investing their money in Ceres, just has to take this document and follow it. This document gives them the guide to do that.

Commissioner Smith inquired about the current uses that are existing in the downtown are businesses that are in compliance with the Downtown Specific Plan. Mr. Westbrook explained that there may be some that are grandfathered in. If it's not a permitted use in that designation, then it can continue because it legally existed, until it ceases to continue.

Commissioner Smith requested that the Chamber receive a copy of what the permitted uses are and the DSP. It's available on the City's website.

Ms. Hoogestraat asked Mr. Briggs if there have been any additional discussions about taxes.

Mr. Briggs stated that he had attended League of California Cities Ad-hoc Committee for Statewide Representatives to talk about economic development and there were no less than three separate tax increment financing bills that were vetoed by the Governor, but passed by both houses of legislature. That was in 2012, the first year after redevelopment closed. The following year there were additional tax increment financing bills, and Mr. Briggs believes this year, the Governor finally signed one.

Commissioner Smith stated that's way bigger than the little scope we're thinking about right now. She thinks if we can get foot traffic and revenue generated, and businesses in the store fronts downtown, it'll increase the tax assessment that's coming in, which will in turn allow us to do some of these things on the list.

Ms. Ledbetter commented that it's difficult to have foot traffic when you have businesses that are only open one day a week.

Mr. Parsons stated that we need new businesses. He's new to 4th Street and he'd like to do more there. He thinks it's going to be the Chamber's job to try to bring businesses here.

Commissioner Chapman suggested maybe some property owners can create some kind of partnership to make that happen. Property owners have to see there's an investment in doing that and be willing to allow these businesses to come into their properties, and even if it's through some environmental type program, or partnership. There has to be some property owners that say we want to do this. Absent of that, you're going to have some issues.

Mr. Ledbetter stated he was thinking earlier in the meeting when Mr. Briggs had mentioned "pop up" businesses, that maybe the Chamber and City can work with the Downtown owners of the property; that the buildings that are there can bring in those

pop-up businesses and bring foot traffic to our city, and talk to the businesses and see if they would like to partner in that way, if possible.

Commissioner Molina echoed what Ms. Ledbetter stated regarding requiring property owner to not leave building vacant. He recalled that's what we had said, dealing with Walmart.

Mr. Parsons said that's kind of a leverage.

Commissioner Chapman responded, in his opinion that's really not a good approach; twist somebody's arm. That's not really what we want to do. You're not going to get a property owner to buy anything, if that's the approach of the City, the Chamber. This is about business and service. Property owners have to see the light at the end of the tunnel.

Dave Pratt, resident remarked there are really no incentives, as long as you keep building these mini-malls. We need something unique downtown, to draw people.

Ms. Ledbetter agreed. We don't want to strong-arm businesses to do business a certain way. She wanted to "toot" the Chamber's horn and particularly thank City Staff Traci Farris, Tom Westbrook and Bryan Briggs for being liaisons on the Chamber Board, as well as Steven Ames and Lea Ann Hoogestraat from the Alliance. One of the things that Mr. Briggs has been pushing to the Chamber Board Members is that we, as a Chamber need to take charge, in helping grow the economy here. That's our job, to help stimulate, make a strong economy for our community. She has taken that to heart because coming in as the Chamber President in January, she really wants to develop a strong partnership with the City, with the Alliance, and most importantly, with the business owners in this community. She doesn't want it to be envisioned or interpreted that we want to strong-arm the community. She does want to fill empty spaces, whether it's with pop-ups, partnerships, or however we need to do it; we need to do something. We need to bring businesses here and keep them here. It's important that businesses know that Ceres wants them here. When you talk Economic Development, and have only 37% of the businesses in this district paying the fees, something is wrong. We need to address that. Hatch Road Corridor is a discussion for another night. She thanked Chamber members for being here tonight, as well as business owners. The Chamber is ready to take charge of economic development for this community.

Mr. Parsons reported that he just moved a business from 5th and Lawrence to 4th Street. Ten times in one week, the amount of foot traffic has increased. We have foot traffic downtown, and he is looking to do more business downtown.

Commissioner Kachel referenced the report that Ceres Chamber of Commerce brought us tonight. He asked how do we get these ideas implemented; get the responses changed from "noes" to "yeses?"

Ms. Hoogestraat commented that we need to develop a plan that's achievable and implementable. She thinks that in the past, whether it was the budget or whatever, it just

never reached the implementation stage for a lot of reasons. We need to come up with a plan that can guarantee a success, build momentum and keep it going.

Commissioner Smith stated that we need to be clear of what our next step is. We need to take the information from today, compile it with a list of the items, bring it back and be given the opportunity to discuss and prioritize.

Ms. Ledbetter agreed and added that Bryan Briggs, the Alliance and the Chamber meet on a regular monthly basis and we will work on figuring out a way to do that.

Commissioner Molina addressed Toby Wells; he has heard a lot of concerns of no handicap access, and he would hate for this to become a legal issue.

Mr. Wells explained that it is already included in Downtown Specific Plan; mid-block ramps are part of the plan. Today, for the most part, we are ADA accessible. We do have an ADA Transition Plan, which is a citywide document. We are going on a priority basis, of meeting those. The plan is in place. As long as we are addressing it over time, there isn't a legal issue.

Mr. Ames mentioned he felt the challenge is developing a strategy to get property owners engaged. There are limited funds available and we need a way to prioritize and then implement the ideas.

Commissioner Smith advised Mr. Briggs to follow up on:

- The electricity issue
- Idea from the Garden Club – branding or theme for downtown; attraction
- Check on zoning
- Idea of an Advisory Committee: businesses and maybe include Chamber

Mr. Briggs commented that we're in the information gathering stage. Commissioner Smith stated we are developing a partnership and that should include discussion of everything. Ms. Ledbetter stated that she envisions developing a group with Mr. Briggs and herself to meet with the business owners and have a brainstorming session, put our facts and figures in order, make some recommendations and then bring those back to the BID for discussion.

Commissioner Molina asked if he could add to Commissioner Smith's list: a list of the downtown businesses and a way for us to know that they've been notified.

Ms. Ledbetter clarified that the Chamber will work with staff to make sure that we get as many business owners involved as possible.

Chairperson Del Nero asked Ms. Ledbetter if there was a way we can get something similar to the brochure he received when visiting Carmel a few weeks ago, for our downtown.

Ms. Ledbetter confirmed that could be done, in addition to a plaque hanging in downtown businesses, showing who all the downtown businesses are; cross-advertising. The Ceres Chamber has just developed a new website, cereschamber.com and they already have their directory of Chamber businesses listed there. The Chamber is really going to strengthen our outreach efforts. We need to go out and find out what the businesses need. The Chamber's motto is "Moving Ceres Forward."

Chairperson Del Nero asked what our direction now is.

Mr. Briggs stated it seems clear, but is making sure that the expectations aren't too high. He's a one man shop with many, many, many things to do. He's going to have to discuss everything that was brought up tonight with his supervisors, as to the amount of time that is going to be allocated to what we're doing. He will probably report back in an informal way, maybe by e-mail.

Commissioner Smith stated that we'd be interested in knowing if he is not able to allocate any time to form a partnership with these organizations. Mr. Briggs is just making sure that the time commitment is understood by all parties. Ms. Ledbetter agreed it's a huge task. Commissioner Smith reminded Mr. Briggs of her suggestions made in past for a part-time assistant for him.

Chairperson Del Nero thanked everyone for attending and Commissioner Smith for assisting with the meeting.

RECONVENED AS THE PLANNING COMMISSION at 7:26 p.m.

PUBLIC HEARING:

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

Planning Commission Minutes
October 21, 2013

REPORTS:

None

ADJOURNMENT:

The Commission adjourned at 7:27 p.m. to the next regularly scheduled meeting of Monday, November 4, 2013.

APPROVED:



Gary Del Nero, Chairperson

ATTEST:



Tom Westbrook, Secretary

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