

City Council meeting was conducted this meeting in accordance with California Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols. This meeting was open to the public with limited capacity seating.



## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

### **CITY OF CERES, CALIFORNIA**

**City Council Chambers, 2701 Fourth Street**  
**Monday, August 23, 2021 – 6:00 p.m.**

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292  
Phone: (209) 538-5700 Fax: (209) 538-5780

#### **CALL TO ORDER**

Mayor Lopez called the August 23, 2021 Regular City Council meeting to order.

#### **ROLL CALL – Present:**

Mayor: Lopez  
Council Members: Ryno, Silveira  
Absent: Vice Mayor Condit

#### **INVOCATION**

Invocation was given by Sr. Pastor Patrick Davis Ceres Christian Center.

#### **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Mayor Lopez

#### **PRESENTATIONS**

A. Presentation to Tom Westbrook, City Manager

Mayor Lopez presented a plaque to outgoing City Manager Tom Westbrook for his years of service with the City of Ceres. Local dignitaries also presented certificates to Tom Westbrook.

Mayor Lopez asked if anyone from the public had any comments and the following citizens spoke:

Mike Kline thanked Tom Westbrook for dedication to the City and acknowledged Mr. Westbrook for all of his assistance while Mr. Kline served on the Planning Commission and Council. He spent 13 years working with Mr. Westbrook.

Harinder Toor, business owner acknowledged Tom Westbrook for his contributions to the City of Ceres. He has known Mr. Westbrook for over twenty years and has always had positive interactions with him when he needed assistance from the City. He stated Mr. Westbrook has been an asset to the City and he wished him well.

Gene Yeakley thanked outgoing City Manager Westbrook for all of his assistance throughout the year.

Lee Brandt stated that he is at a loss for words. Ceres is losing a good man and Red Bluff is gaining a good person.

Connie Vasquez stated even though she hasn't known Tom very long, he has always been very kind and she appreciates knowing him.

The Mayor and Council also thanked Tom Westbrook for his service to the Ceres community and wished him well.

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

John Osgood spoke regarding a concern he had about the last meeting and conversations continuing. If people are done talking during public comments then conversations at dais need to also be done.

Gene Yeakley commented on noise issues and the number of calls the city receives. It is still an issue in his neighborhood.

David Garcia, Attorney for the Ceres POA spoke regarding the negotiations occurring with the POA MOU.

**APPOINTMENTS TO BOARDS/COMMISSIONS**

None.

**CONFLICT OF INTEREST DECLARATION**

No Council conflicts.

**CONSENT CALENDAR**

1. Clerks Report of Posting. The agenda of the August 23, 2021 City Council meeting was posted on Wednesday August 18, 2021. (Nayares-Perez)

2. Waive Readings. All Readings of Ordinances and resolutions are waived. (Waive reading in full of all ordinances and resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title). (Nayares-Perez)
3. Approval of Minutes (Nayares-Perez)
  - a. Minutes of June 28, 2021 Regular City Council meeting.
4. Register of Audited Demands for Period covering August 4, 2021 through August 11, 2021. (Dias)
5. General Correspondence – **Information Only**
  - a. Public Works monthly report for July 2021. (Damas)
6. **Resolution No. 2021-85**, authorizing acceptance of the Public Benefit Program Alternative Fuel Component (Refresh) by the San Joaquin Valley Air Pollution District for Alternative Fuel Vehicle Replacement Grant allocation and approving a 2021-22 Budget Amendment to appropriate the funds. (Collins)
7. **Resolution No. 2021-86**, approving an agreement with the firm Wendi Brown Creative Partners (WBCP) to facilitate the executive recruitment for the position of City Manager for the City of Ceres, and authorizing the City Manager to execute the agreement. (Roland)
8. **Resolution No. 2021-87**, ratifying the appointment of Christopher Hoem to the position of Director of Community Development, and authorizing the City Manager to execute the agreement. (Roland)
9. **Resolution No. 2021-88**, awarding the Construction Contract for the CML-5241 (065) Traffic Signal at Morgan Road and Service Road Project to Pacific Excavation Inc., Authorizing a 10% Contingency, authorizing a Budget Amendment, and Authorizing the City Manager to Execute the Contract. (Westbrook)
10. **Resolution No. 2021-89**, accepting the CML-5241 (070) Roundabout at El Camino Avenue and Park/Pine Improvements as Complete, Approving the Balancing Contract Change Order, Authorizing the Filing of the Notice of Completion and Releasing Retention to the Contractor. (Westbrook)
- (Removed from Consent to Continue to the next Council meeting)*
11. **Resolution No. 2021-90**, approving an Agreement with Big Valley Grace Community Church, Inc., and Authorizing the City Manager to execute the Agreement. (Westbrook)
12. **Resolution No. 2021-91**, approving a Cooperative Funding Agreement with Stanislaus Council of Governments (StanCOG) for the Pavement Management Program. (Westbrook)

Mayor Lopez asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion. Council Member Ryno stated she

would like to continue item 11 to the next Council meeting, not necessarily pull it from consent but continue it.

**MOTION:** Motion by Council Member Silveira, seconded by Council Member Ryno, approving Consent items 1-10 and 12. **3/0/1 Motion passes** see below by the following roll call vote:

AYES: 3 Council Members: Ryno, Silveira, Mayor Lopez  
NOES: 0 Council Members: None  
ABSENT: 1 Council Members: Condit

*(Continue Item 11 to Next Meeting - Motion Fails)*

**MOTION:** Motion by Council Member Ryno, seconded by Mayor Lopez, continuing **Resolution No. 2021-90**, an Agreement with Big Valley Grace Community Church, Inc. to the next Council meeting. **2/1/1 Motion fails** see below by the following roll call vote:

AYES: 2 Council Members: Ryno, Mayor Lopez  
NOES: 1 Council Members: Silveira  
ABSENT: 1 Council Members: Condit

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

#### Item 13\Council Member Ryno

Council Member Ryno asked when the City built the Community Center what funds did the City use. City Manager Westbrook responded that bond proceeds were used to develop the Community Center. Council Member Ryno stated bond proceeds are supposed to be spent for something that affects the community. City Manager Westbrook stated yes, to enhance the community. A discussion ensued about increasing the usage to Wednesday. Her concern is that they are limiting the ability of community members to rent the community center. A discussion was also held about allowing BVG staff the use of the City's Wi-Fi.

Mayor Lopez asked if anyone from the public had any comments. There being no comments, Mayor Lopez brought the item back for Council direction.

#### **(Motion Fails)**

**MOTION:** Motion by Council Member Silveira, seconded by Mayor Lopez, approving an Agreement with Big Valley Grace Community Church, Inc., and Authorizing the City Manager to execute the Agreement. **2/1/1 Motion fails** see below by the following roll call vote:

AYES: 2 Council Members: Silveira, Mayor Lopez  
NOES: 1 Council Members: Ryno  
ABSENT: 1 Council Members: Condit

City Manager Westbrook asked the City Attorney since the items failed to move forward can they continue it. City Attorney Hallinan stated that a motion to reconsider the earlier motion and continue the item to a future meeting could be made.

***(Motion for Reconsideration and Continuance of Item – Motion Passes)***

**MOTION:** Motion by Mayor Lopez, seconded by Council Member Ryno, continuing **Resolution No. 2021-90**, an Agreement with Big Valley Grace Community Church, Inc. to the next Council meeting. **3/0/1** Motion passes see below by the following roll call vote:

Council Member Silveira stated he would vote yes in lieu of BVG not being able to use the facility.

AYES: 3 Council Members: Ryno, Silveira, Mayor Lopez  
NOES: 0 Council Members: None  
ABSENT: 1 Council Members: Condit

**UNFINISHED BUSINESS**

No items scheduled.

**PUBLIC HEARING**

No items scheduled.

**NEW BUSINESS**

13. **Resolution No. 2021-92**, Ratifying the Appointment of Alex Terrazas to the Position of Interim City Manager. (Westbrook/Hallinan)

Tom Westbrook presented the staff report. Council and staff discussed the item. Council Member Ryno stated that she was prepared to vote against this item even though Mr. Terrazas may be qualified, she thought another candidate that they interviewed was better suited for the City. But, seeing that there are only three Councilmembers present at the meeting and if they don't pass the resolution, they will not have a City Manager and with the Vice Mayor not being at the meeting, she has to change her vote.

Mayor Lopez asked if anyone from the public had any comments. There being no comments, Mayor Lopez brought the item back for Council direction.

**MOTION:** Motion by Council Member Silveira, seconded by Council Member Ryno, approving Item 13. **Resolution No. 2021-92**, Ratifying the Appointment of Alex Terrazas to the Position of Interim City Manager, **3/0/1** Motion passes see below by the following roll call vote:

AYES: 3 Council Members: Ryno, Silveira, Mayor Lopez  
NOES: 0 Council Members: None  
ABSENT: 1 Council Members: Condit

**DISCUSSION ITEMS**

None.

**COUNCILMEMBER REFERRALS**

Council Members request to have an agenda item placed on a future agenda. (Pursuant to Chapter 2- City Council meetings, J-8. City Council Referrals/Determination of Items for Agendas.)

None.

**REPORTS**

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

- Mayor Lopez announced that there will be a small reception in the large assembly right after the meeting in honor of outgoing City Manager Tom Westbrook.
- City Council – None.
- City Manager Westbrook commented on when he first met Council Member Ryno and Denise Schiefer who were on his interview panel in January of 2001. He further commented on his tenure with the City of Ceres and stated that he is proud to say he spent 20 years in Ceres working his way up through the organization. He further thanked his wife for all of her support, as well as fellow staff members and the community.
- City Attorney - None.
- Departments - None.
- County Supervisor - None.

**ADJOURNMENT**

There being no further business, Mayor Lopez adjourned the meeting at 6:56 pm.

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Javier Lopez, Mayor

ATTEST:

\_\_\_\_\_  
Diane Nayares-Perez, CMC, City Clerk

*Consistent with Council Policy, the minutes referenced above are in Action Format. The complete recording of the meeting can be viewed at <http://www.ci.ceres.ca.us/agenda center>*