
Ripon City Council Minutes

TUESDAY, NOVEMBER 8, 2016

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order at 6:00 p.m. with Mayor Parks leading in the Pledge of Allegiance to the Flag.

INVOCATION: Pastor Angelo Contreras gave the invocation.

ROLL CALL: Council Members Leo Zuber, Mark Winchell, Michael Restuccia, Vice Mayor Dean Uecker, Mayor Jake Parks.

OTHERS PRESENT: City Administrator Kevin Werner, Deputy City Attorney Rosie Ruppel, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, City Clerk Lisa Roos, Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, Darlene Winchell, Sharon Butler, Jose Flores, Lisa Jordan, Jaime Fountain, Peter Rietkerk, Daniel de Graaf, John Mangelos.

PUBLIC DISCUSSION: No one from the public wished to speak at this time.

APPROVAL OF MINUTES: **MOTION:** MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING ON OCTOBER 11, 2016.

APPROVAL OF AGENDA AS POSTED (OR AMENDED):

Council Member Zuber requested Items 2I, 4G, and 4I be pulled from the Consent Calendar for discussion.

Council Member Restuccia requested Items 2I, 4B, and 4D be pulled from the Consent Calendar for discussion.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE THE AGENDA AS AMENDED.

CONSENT CALENDAR**NOTES:****1. Income****A. STATE OF CALIFORNIA**

Retail Sales Tax (2015 \$232,800.00)	\$202,300.00	
Highway Users Tax (2015 \$26,679.70)	<u>\$20,287.51</u>	
TOTAL		\$222,587.51

B. BERTOLOTTI DISPOSAL, INC.

Franchise fee payment – 3 rd Quarter	\$1,564.12
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C. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease	999.53
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D. WASTE MANAGEMENT

Franchise fee payment – September 2016	2,027.49
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2. Bills, Invoices, Payments**A. PRICE PAIGE & COMPANY**

Audit Services	
Progress Payment – Invoice #10862	\$7,275.00

B. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver	
September Invoice #AR109865	\$1,407.60

C. T & S WEST

CNG Expansion & Bus Shelter	
Construction	
Progress Payment –	
Invoice #1	\$109,736.40
Invoice #2	<u>\$51,079.60</u>
TOTAL	\$160,816.00

D. TERRACON

CNG Expansion & Bus Shelter Inspection	
Services	
Progress Payment – Invoice #T833729	\$860.00

CONSENT CALENDAR**NOTES:****2. Bills, Invoices, Payments, continued:****E. WGR SOUTHWEST**

City Stormwater Permit Assistance

Progress Payment –

Invoice #18216

\$1,891.22

Invoice #18353

\$4,736.00

TOTAL

\$6,627.22**F. WOOD RODGERS**

Well 19 Assessment & Design

Progress Payment – Invoice #991

\$617.50

Well 5 & 12 Assessment & Design

Progress Payment –

Invoice #102763

\$650.00

Invoice #101750

\$1,205.00

Invoice #992

\$2,952.50

TOTAL

\$5,425.00**G. BASECAMP ENVIRONMENTAL**

River Road/Fulton Avenue Intersection Improvement Project

Environmental Study

Progress Payment – Invoice #01089

\$712.50**H. J.B. ANDERSON LAND USE PLANNING**

SB5 Compliance

Progress Payment - Invoice #080116SB5

\$1,100.00**I. RIPON UNIFIED SCHOOL DISTRICT***Item 2I was pulled for discussion*

2015-2016 Pool shared operation costs

Progress Payment – Invoice #2017-01

\$23,402.49**J. TERPSTRA HENDERSON**

General Matters

\$15,790.50

Police Matters

\$3,138.20

North Pointe Specific Plan

\$68.75

Sustainable Groundwater Management Act

\$3,306.50

TOTAL

\$22,303.95

CONSENT CALENDAR

NOTES:

2. Bills, Invoices, Payments, continued:

K. MUNICIPAL FINANCIAL SERVICES

Water, Wastewater, Garbage Revenue & Rate Update
Progress Payment – Invoice #201308-12

\$4,050.00

L. HAWKINS DELAFIELD & WOOD LLP

Professional Services
Progress Payment – Invoice #2016-1

\$4,300.00

3. Resolutions

A. RESOLUTION NO. 16-70

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ACCEPTING THE CITY OF RIPON
FINANCIAL STATEMENTS AND
INDEPENDENT AUDITOR'S
REPORT FOR THE YEAR ENDED
JUNE 30, 2016

This resolution accepts the City of Ripon Financial Statements and Independent Auditor's Report for the year ended June 30, 2016, prepared by Price Paige & Company.

B. RESOLUTION NO. 16-71

RESOLUTION OF THE CITY OF
RIPON ACCEPTING THE
CITY OF RIPON MONEY
PURCHASE THRIFT PENSION
PLAN FINANCIAL STATEMENTS
AND INDEPENDENT AUDITOR'S
REPORT JUNE 30, 2016 and 2015

This resolution accepts the City of Ripon Money Purchase Thrift Plan Financial Statements and Independent Auditor's Report June 30, 2016 and 2015, prepared by Price Paige & Company.

C. RESOLUTION NO. 16-72

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
AUTHORIZING PARTICIPATION
IN THE CALIFORNIA FRANCHISE
TAX BOARD INTERAGENCY
INTERCEPT COLLECTION
PROGRAM

This resolution authorizes participation in the California Franchise Tax Board Interagency Intercept Collection Program. This program would allow the City to collect delinquent fines, bails, vehicle parking penalties, court-ordered payments and other permitted debts.

CONSENT CALENDAR, continued:

NOTES:

4. Miscellaneous Items

A. QUARTERLY INVESTMENT POLICY REVIEW

July 1, 2016 – September 30, 2016

Accept the City's quarterly investment report for the quarter ending September 30, 2016.

B. HAWKINS DELAFIELD & WOOD, LLP

Arbitrage Calculations
Water Revenue Bonds 2006C

Item 4B was pulled for discussion

Accept the arbitrage rebate and yield restriction compliance report for the period August 29, 2011 through August 29, 2016.

Second Reading and Adoption

C. ORDINANCE NO. 855

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF RIPON REPEALING
ORDINANCE NOS. 486, 763, AND 346.

This ordinance repeals ordinances No. 486, 763 and 346 related to Chapter 5.28, entitled "Cable Communications", Chapter 5.29 entitled "State Video Service Franchises" and Chapter 5.32 entitled "Cable Television Installation Requirements" in the Ripon Municipal Code.

**D. TRANSIT PLANNING AND PROGRAMMING
OF FEDERAL FUNDS**

Memorandum of Understanding
San Joaquin Council of Governments

Item 4D was pulled for discussion

Authorize the Mayor to sign the Memorandum of Understanding with the San Joaquin Council of Governments regarding the transit planning and programming of federal funds that support ongoing and future transit services in the San Joaquin region.

E. RIVER ROAD/FULTON AVENUE INTERSECTION IMPROVEMENT PROJECT

Modesto Irrigation District Electrical Pole
Relocation

Authorize the Mayor to sign the proposal for the Modesto Irrigation District to relocate a utility pole within the project limits on the north east corner of River Road and Fulton Avenue.

Cost not to exceed: \$4,900.00 (funded by the Transportation Capital Fund).

F. WELL 5 & 12 REHABILITATION PROJECT

Award Bid to North State Drilling

Award bid to North State Drilling in the amount of \$273,475.00 for the Well 5 & 12 Rehabilitation Project (funded by the Water Enterprise Capital Fund) and direct staff to process the appropriate documents to proceed.

CONSENT CALENDAR:

NOTES:

4. Miscellaneous Items, continued:

G. AMERICAN PAVEMENT SYSTEMS

Item 4G was pulled for discussion

Asphalt Rubber Cape Seal Project 2016
Change Order No. 2

Approve Change Order No. 2 to include a rock subbase on Mulholand Drive between Manley Drive and Azalea Street as part of the project.

Cost not to exceed \$52,090.00 (funded by the Street and Road Fund).

H. PROCLAMATION

Women's Center

Proclaim November as National Homeless Youth Awareness and Runaway Prevention Month.

I. CNG POWERED REFUSE COLLECTION TRUCK PURCHASE

Item 4I was pulled for discussion

Award Bid to Western Truck Center

Award bid to Western Truck Center in the amount of \$323,541.78 for the purchase of a new CNG Refuse Truck, funded by a Congestion Mitigation of Air Quality (CMAQ) grant in the amount of \$74,240.00 and the Capital Garbage Fund in the amount of \$249,301.78.

****END OF CONSENT CALENDAR****

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE THE CONSENT CALENDAR AS AMENDED.

Discussion on Item 2I

Council Member Zuber asked if the invoice states the total cost for 2015-2016.

City Administrator Werner said the cost does not include utilities because the pool is not on a separate meter. The School District is working to put the pool on a separate meter in order to evaluate usage. Once usage is determined, funds will be allocated for use.

Council Member Restuccia asked if a detailed breakdown was provided.

Recreation Director Stevens said yes and he could provide Council with a copy if they desire.

Vice Mayor Uecker asked when the re-plastering of the pool was going to take place.

Werner said the committee is in the process of getting quotes and the fee will be split between the City and the School District.

Discussion on Item 4B

Council Member Restuccia asked for more information on this item.

City Clerk Roos said our bonds require an arbitrage calculation every five years. This service was provided by Hawkins Delafield & Wood, LLP. The arbitrage rebate requirements require that any profit or “arbitrage” be “rebated” to the Federal Government. The report stated that there is currently no rebate liability with respect to the bonds and there is no requirement to file anything with the IRS.

Discussion on Item 4D

Council Member Restuccia asked if Ripon will receive funding.

City Administrator Werner said by signing this Memorandum of Understanding it starts the process for funding. Funding will be received, but the amount is not known.

Discussion on Item 4G

Council Member Zuber said the original price of this project was \$600,000.00 and now it has gone up to \$650,000.00. Zuber asked how much we started with in our Street Fund and what will be the ending balance when this project is complete.

City Administrator Werner said the starting balance was \$1,600,000.00 and if you subtract out the Asphalt Rubber Cape Seal Project and add other revenue sources for 2016-17 the account is left with a \$1,350,000.00 balance at the end of the current year. One item not included in the amount is the Stockton Avenue Project, which will reduce the balance by \$100,000.00.

Zuber asked if there were street and road plans for the fund balance.

Werner said Engineering Supervisor Pease is creating a plan for future Street and Road needs.

Discussion on Item 4I

Council Member Zuber asked why one company provided two bids.

City Administrator Werner said there were bids for two different style trucks.

Zuber said a few months ago we lost two garbage trucks to fire damage. Zuber asked if bids to replace these trucks went out.

Public Works Director Johnston said a company was used that has open bids on these types of vehicles. This could be done because insurance money was being used, not City money. The new trucks were ordered and will be delivered in early December.

Zuber asked if insurance was paying for the trucks.

Johnston said yes, 100%.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEMS 2I, 4B, 4D, 4G, AND 4I.

PRESENTATION OF PROCLAMATION

Mayor Parks presented a proclamation to the Women’s Center - Youth & Family Services declaring November as National Homeless Youth Awareness Month in Ripon.

Lisa Jordan with the Women’s Center – Youth & Family Services thanked the Mayor and Council for the proclamation.

5. PUBLIC HEARINGS

NOTES:

A. UNMET TRANSIT NEEDS

San Joaquin Council of Governments
Ryan Niblock

This public hearing is to consider unmet transit needs within the City of Ripon.

Ryan Niblock with San Joaquin County Council of Governments said that this is an open comment period to determine if there are any unmet transit needs in Ripon.

PUBLIC HEARING OPENED

No one from the public wished to speak at this time.

PUBLIC HEARING CLOSED

Council Member Winchell asked if any comments had been turned in from Ripon residents.

Niblock said of the 18 comments received, none were from Ripon.

B. SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN

Development Fee Update - 2017

The Council will consider the Development Fee increase for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new development pursuant to the SJMSCP within the City of Ripon.

Action: Adopt the resolution approving and adopting the 2016 SJMSCP Financial Analysis Update and Adopting the 2017 SJMSCP Development Fees.

Planning Director Zuidervaart said this is a mandated annual public hearing. He said every year the fees go through a review and are adjusted based on property values. If the cost of land goes up, the fees are increased accordingly. Zuidervaart said the fees proposed by the SJMSCP show an increase of approximately 12%.

Council Member Restuccia explained to the public that these are County imposed fees and the City has no control over them.

PUBLIC HEARING OPENED

No one from the public wished to speak at this time.

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (RESTUCCIA,WINCHELL) AND CARRIED BY A 5-0 VOTE TO ADOPT RESOLUTION NO.16-73 “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE.”

5. PUBLIC HEARINGS, continued:

NOTES:

C. ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS

Colony Plaza
Calvary Reformed Church Master Plan
Gil Plaza
Cornerstone II
Orchard View
Ripon Crossing
Alexandra Place
Silverstone
Ripon Gardens II
River Road Subdivision

A public hearing for annual review of current development agreements by the City Council to determine whether or not there has been compliance in good faith with the terms and conditions therein, and accept the written report from the Planning Commission on its determination of the Development Agreements.

Action: Should the City Council agree with the Planning Commission’s recommendation, the following motion would be appropriate: “The City Council accepts this staff report as the written report from the Planning Commission that there has been compliance in good faith, with the terms and conditions of each perspective Development Agreement.”

Director of Planning Zuidervaart said pursuant to provisions of Section 65865.1 of the California State Government Code, and Section 16.60.060 of the Ripon Municipal Code, the Planning Commission shall conduct a review of all current Development Agreements for compliance with the terms and conditions therein on an annual basis. The Planning Commission held a Public Hearing on October 17, 2016 where they determined that all current Development Agreements are in compliance. At that time no one from the public came forward to make any comments, so the attached staff report serves as the Planning Commission’s written report to the City Council on this matter. Zuidervaart said there are 54 Development Agreements on the master list of which 10 are considered still active. Staff has reviewed the indicated active agreements and has determined that all proponents have generally made a good faith effort to comply with the terms of the agreements.

PUBLIC HEARING OPENED

No one from the public wished to speak at this time.

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (RESTUCCIA,ZUBER) AND CARRIED BY A 5-0 VOTE TO ACCEPT THE PLANNING COMMISSION’S REPORT THAT THERE HAS BEEN COMPLIANCE IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF EACH PERSPECTIVE DEVELOPMENT AGREEMENT.

6. RESOLUTIONS

NOTES:

A. RESOLUTION NO. 16-74

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
OPPOSING THE STATE WATER
RESOURCES CONTROL BOARD
2016 REVISED DRAFT
SUBSTITUTE ENVIRONMENTAL
DOCUMENT AND CALLING FOR
SUSTAINABLE SOLUTIONS FOR
THE STANISLAUS RIVER AND
THE REGION'S ECONOMY

A resolution of the City Council of the City of Ripon opposing the State Water Resources Control Board 2016 revised draft Substitute Environmental Document and calling for the State Water Resources Control Board to pursue a comprehensive solution that prioritizes non-flow measures to protect native fish species before requiring flow increases that would threaten the economic vitality of our region.

Peter Rietkerk with South San Joaquin County Irrigation District (SSJID) introduced a resolution and presented a PowerPoint presentation outlining the main points of the proposal being introduced by the State Water Resource Control Board and why SSJID is opposed to it.

Rietkerk shared the regional impacts the proposal would have and why the proposal is a threat to local water rights.

Council asked for clarification on some points throughout Rietkerk's presentation.

Rietkerk urged the Council and the public to research this topic and visit www.savethestan.org.

Rietkerk said there are a few public hearings coming up, the closest being on December 16th at 9:00 a.m. at the Stockton Civic Auditorium, 525 N. Center Street, Stockton, CA 95202 and December 20th at 9:00 a.m. at the Modesto Center Plaza, 1000 K Street, Modesto, CA 95354, where the State Water Resource Control Board will be present and available for questions. These are open to the public.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO ADOPT RESOLUTION NO. 16-74 OPPOSING THE STATE WATER RESOURCES CONTROL BOARD 2016 REVISED DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT AND CALLING FOR SUSTAINABLE SOLUTIONS FOR THE STANISLAUS RIVER AND THE REGION'S ECONOMY.

6. RESOLUTIONS, continued:

NOTES:

B. RESOLUTION NO. 16-75

RESOLUTION OF THE CITY
COUNCIL OF THE CITY
OF RIPON DESIGNATING THE
FIRST SATURDAY IN APRIL
“FIRST RESPONDER
APPRECIATION DAY” IN RIPON,
CALIFORNIA.

A resolution of the City Council of the City of Ripon designating the first Saturday in April “First Responder Appreciation Day”.

Council Member Restuccia said he has put together a committee and would like to introduce a resolution that designates the first Saturday in April “First Responder Appreciation Day” in Ripon. Restuccia said he is also looking to have Congress declare it as a National Day.

Council Member Zuber said what happens if the National Day declared is different from the first Saturday in April.

Restuccia said the April date would remain because that works with the existing events and holidays within the City.

MOTION: MOVED/SECONDED (WINCHELL,ZUBER) AND CARRIED BY A 5-0 VOTE TO ADOPT RESOLUTION NO. 16-75 DESIGNATING THE FIRST SATURDAY IN APRIL “FIRST RESPONDER APPRECIATION DAY”.

REPORTS

Department Heads: Police Chief Ormonde said on Wednesday, November 9th at 7:00 p.m., the Ripon Police Department will be hosting a community meeting for Area of Responsibility #4. The meeting will be held at the Ripon Police Department and is open to the public.

Ormonde said at the October meeting a resident brought up concerns about the speeding on Mohler Road and asked Council and the Police Department if more enforcement could be put in place. Ormonde spoke with the resident and the Engineering Department to see which part of Mohler Road is within city limits. The area has been identified and speed limits will be enforced on the City of Ripon side of Mohler Road.

Director of Public Works Johnston said October water usage was down 29.2% compared to 2013.

Planning Director Zuidervaart said there is a Planning Commission meeting on Monday, November 14th at 6:00 p.m. in Council Chambers. Zuidervaart said a commercial portion of the Ripon Gardens II project will be discussed.

City Council: No one from Council had anything to report.

There being no further business, the meeting was adjourned at 7:24 p.m.

(Signed) Jacob Parks
Mayor

ATTEST:

(Signed) Tricia Raymond
Deputy City Clerk