

---

# Ripon City Council Minutes

---

TUESDAY, MAY 10, 2016

**REGULAR MEETING**  
**6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** The meeting was called to order at 6:00 p.m. with Council Member Mark Winchell leading in the Pledge of Allegiance to the Flag.

**INVOCATION:** Pastor Mark VanDyke 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, City Attorney Tom Terpstra, 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, Hope Chavez, Taylor Thompson, Sharon Krediet, Chris Lake, Morgan Sheaffer, Jose Garcia, Max Perez, Michael S., Tyler Green, Andrew Gaul, Kimberly DeJong, Alexia Unas, Steve Donner, Hunter G., Mark VanDyke, Andrew Cordova, Rod Lowe, Sierra Atilos, James Kelly, Robert Lopez, David O., Dave S.

**PUBLIC DISCUSSION:** Jerry Sonke a board member with Priceless Treasures Thrift Stores wanted Council to consider a few things in regards to their donation bins that are in town. Since the ordinance was passed in January Sonke said they have filled out all the necessary paperwork to comply, but wanted to ask Council if they would (1) waive the \$50.00 permit fee for their bin at the recycling center since the schools are not charged for their efforts in recycling, (2) waive the placement of boxes inside a covered area from the street or residents. Sonke said there is a church in town where the box is slightly visible by a few neighbors, whom have no issue with it and would like Council to consider waiving the rule for this donation bin to not be concealed behind a wall, and (3) in section 16.184.050 of the ordinance it states the Police Department and Fire Department need emergency access to all bins. Sonke said he reached out to the Police and Fire Departments and they stated they do need access to all bins, but in case of an emergency they would just cut the lock. Sonke said all the bins they have in town have a pad lock that could be cut in case of an emergency.

**APPROVAL OF MINUTES:** **MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 12, 2016.

**APPROVAL OF AGENDA AS POSTED (OR AMENDED):**

Council Member Zuber requested items 3A, 3C, 3E-3L and 4D be pulled for discussion from the Consent Calendar.

Council Member Restuccia requested item 3M be pulled for discussion from the Consent Calendar.

City Clerk Roos amended item 2I to read \$875.00, not \$9,721.00 which is the total amount of contract.

**MOTION:** MOVED/SECONDED (RESTUCCIA,WINCHELL) 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 \$180,000.00) \$153,200.00

Highway User Tax (2015 \$31,882.45) \$26,566.99

TOTAL \$179,766.99

B. BERTOLOTTI DISPOSAL, INC.

\$1,380.19

Franchise fee payment – 1<sup>st</sup> Quarter 2016

C. WASTE MANAGEMENT

Franchise fee payment – 1<sup>st</sup> Quarter 2016 \$1,870.89

**2. Bills, Invoices, Payments**

A. WOOD RODGERS

Well Site Suitability & Design

Progress Payment – Invoice #98931 \$2,712.50

Well 5 & 12 Assessments & Design

Progress Payment – Invoice #98932 \$4,535.00

TOTAL \$7,247.50

B. WGR SOUTHWEST, INC.

City Stormwater Permit Assistance

\$2,391.92

Progress Payment – Invoice #17673

C. NATIONAL METER & AUTOMATION, INC.

Material Purchase - Water Meter Installation Project

Progress Payment –

Invoice #S1068948.001 \$259,352.82

Invoice #S1070483.001 \$96,850.08

Invoice #S1071242.001 \$774.63

TOTAL \$356,977.53

D. G.M. CONSTRUCTION & DEVELOPERS, INC.

Equipment Installation - Water Meter Installation Project

Progress Payment – Invoice #3694.8 \$13,612.55

**CONSENT CALENDAR**

**NOTES:**

**2. Bills, Invoices, Payments, continued:**

E. BASECAMP ENVIRONMENTAL

River Road/Fulton Avenue – Intersection Improvement Project  
Progress Payment – Invoice #977

**\$1,367.50**

F. ASPEN SURVEY COMPANY, INC.

River Road/Fulton Avenue – Intersection Improvement Project  
Progress Payment – Invoice #16-011-1

**\$465.00**

G. TERPSTRA HENDERSON

General Matters \$7,099.75  
Police Matters \$1,044.10

TOTAL

**\$8,143.85**

H. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver  
March Invoice #AR109515

**\$1,996.65**

I. J.B. ANDERSON LAND USE PLANNING

*This item was amended*

SB5 Compliance  
Progress Payment –Invoice# 040116W19 \$9,721.00  
Well 19  
Progress Payment -  
Invoice #040116W19 \$1,884.00  
Invoice #050116W19 \$2,716.00

TOTAL

**\$14,321.00**

J. DE NOVO PLANNING GROUP

City of Ripon Housing Element  
Progress Payment-  
Invoice #1672 \$4,375.00  
Invoice #1718 \$6,305.00

TOTAL

**\$10,680.00**

**CONSENT CALENDAR:**

**NOTES:**

**3. Resolutions**

*Item 3A was pulled for discussion*

A. RESOLUTION NO. 16-27

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
REVISING EXISTING BENEFIT  
ASSESSMENT DISTRICTS

This resolution (1) retroactively reduces the 15 year 5 percent assessment to 3 percent for all currently undeveloped parcels, (2) eliminates all or a portion of the index component of the assessment for property owners that pre-pay their assessment(s) in the next 24 months, and (3) provides the City Council with the flexibility to waive all or a portion of the assessment if a project provides a community benefit.

B. RESOLUTION NO. 16-25

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
ACCEPTING THE CITY OF RIPON  
TRANSPORTATION DEVELOPMENT  
ACT FUND, THE MEASURE K FUND,  
AND THE TRANSIT ENTERPRISE  
FUND AUDIT REPORT  
JUNE 30, 2015 and 2014

This resolution accepts the City of Ripon Transportation Development Act Fund, the Measure K Fund, and the Transit Enterprise Fund Audit Report for June 30, 2015 and 2014, prepared by Brown Armstrong, CPA.

C. RESOLUTION NO. 16-28

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY  
OF RIPON SETTING THE REYNOLDS  
AVENUE RESIDENTIAL PARKING  
PERMIT PROGRAM AREA

*Item 3C was pulled for discussion*

This resolution approves Reynolds Avenue as a Residential Parking Permit required area.

D. RESOLUTION NO. 16-26

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
APPROVING THE CITY ENGINEER'S  
PRELIMINARY ANNUAL  
ASSESSMENT REPORT  
FOR THE FISCAL YEAR 2016-2017  
PERTAINING TO THE LEVYING OF  
ANNUAL ASSESSMENTS FOR THE  
CITY OF RIPON LIGHTING  
DISTRICT, CITY OF RIPON,  
COUNTY OF SAN JOAQUIN,  
CALIFORNIA; DECLARING ITS  
INTENTION TO LEVY AND  
COLLECT THE ANNUAL  
ASSESSMENT FOR THE  
MAINTENANCE OF CERTAIN  
IMPROVEMENTS PREVIOUSLY  
APPROVED BY THE CITY COUNCIL  
AS A PART OF THE FORMATION OF  
SAID ASSESSMENT DISTRICT; AND  
SETTING A TIME AND PLACE FOR A  
PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **RIPON LIGHTING DISTRICT** for the levying of annual assessments for fiscal year 2016-2017 and sets the time and place of the public hearing for July 12, 2016 in the City of Ripon City Council Chambers. (Assessment: \$42.00 Single Family Equivalent)

**CONSENT CALENDAR**

**NOTES:**

**3. Resolutions, continued:**

E. RESOLUTION NO. 16-29

*Item 3E was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 96-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **BOESCH-KINGERY ESTATES;** DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **BOESCH-KINGERY** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.

(Assessment: \$58.84)

F. RESOLUTION NO. 16-30

*Item 3F was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL REPORT PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR THE FISCAL YEAR 2016-2017 FOR ASSESSMENT DISTRICT NO. 02-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **CAROLINA'S LANDSCAPE MAINTENANCE DISTRICT;** DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **CAROLINA'S LANDSCAPE MAINTENANCE** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.

(Assessment: \$216.87)

CONSENT CALENDAR:

NOTES:

3. Resolutions, continued:

G. RESOLUTION NO. 16-31

*Item 3G was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 07-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **CORNERSTONE 1 LANDSCAPE MAINTENANCE DISTRICT**; DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report including a temporary reduction of the assessment for fiscal year 2016-17 from \$177.33 to \$72.62 for the **CORNERSTONE 1 LANDSCAPE MAINTENANCE** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.  
(Assessment: \$72.62)

H. RESOLUTION NO. 16-32

*Item 3H was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 89-2, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **COUNTRY WOODS UNIT NO. 2 AND ZUMSTEIN ESTATES SUBDIVISIONS**; DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **COUNTRY WOODS UNIT NO. 2 AND ZUMSTEIN ESTATES SUBDIVISIONS** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.  
(Assessment: \$75.82)

**CONSENT CALENDAR:**

**NOTES:**

**3. Resolutions, continued:**

I. RESOLUTION NO. 16-33

*Item 3I was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 89-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **DUTCH MEADOWS**; DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **DUTCH MEADOWS** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.

(Assessment: \$29.10)

J. RESOLUTION NO. 16-34

*Item 3J was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 92-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **FARMLAND ESTATES**; DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **FARMLAND ESTATES** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.

(Assessment: \$50.00)

**CONSENT CALENDAR:**

**NOTES:**

**3. Resolutions, continued:**

K. RESOLUTION NO. 16-35

*Item 3K was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 98-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **JACOB'S LANDING**; DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **JACOB'S LANDING** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.

(Assessment: \$116.34)

L. RESOLUTION NO. 16-36

*Item 3L was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE CITY ENGINEER'S PRELIMINARY ANNUAL ASSESSMENT REPORT FOR THE FISCAL YEAR 2016 - 2017 PERTAINING TO THE LEVYING OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 94-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN, CALIFORNIA, COMMONLY KNOWN AS **MAIN STREET LANDSCAPING DISTRICT**; DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS PREVIOUSLY APPROVED BY THE CITY COUNCIL AS A PART OF THE FORMATION OF SAID ASSESSMENT DISTRICT; AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

This resolution approves the City Engineer's preliminary annual report for the **MAIN STREET LANDSCAPING** Assessment District and sets the time and place of the public hearing for June 14, 2016 in the City of Ripon City Council Chambers.

(Assessment: \$136.96 + linear footage)

**CONSENT CALENDAR, continued:**

**NOTES:**

**3. Resolutions, continued:**

M. RESOLUTION NO. 16-37

*Item 3M was pulled for discussion*

A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY  
OF RIPON ADOPTING THE FEE  
SCHEDULE FOR CERTAIN TRAFFIC  
AND SAFETY VIOLATIONS

This resolution adopts an updated bail schedule for the City of Ripon Parking Fees.

**4. Miscellaneous Items**

A. QUARTERLY INVESTMENT POLICY REVIEW

January 1, 2016 – March 31, 2016

Accept the City's quarterly investment report for the period ending March 31, 2016.

*Second Reading and Adoption*

B. ORDINANCE NO. 841

AN ORDINANCE OF THE CITY OF  
RIPON APPROVING THE  
DEVELOPMENT AGREEMENT  
ENTERED INTO BETWEEN THE  
CITY OF RIPON AND ROD LOWE, AS  
SUCCESSOR TRUSTEE OF THE R &  
K LOWE 1997 REVOCABLE TRUST  
FOR THE DEVELOPMENT OF  
CERTAIN REAL PROPERTY IN THE  
CITY OF RIPON

This ordinance approves the Development Agreement entered into between the City of Ripon and Rod Lowe for development of 26.4 acres of real property located at the south-west corner of the corner of the River Road and Fulton Avenue intersection as a residential subdivision.

C. CHAMBER FOUNDATION

Soaring over Ripon  
Fee Waiver

Waive the \$3,500.00 fee for use of Mistlin Sports Park on September 3 & 4, 2016 for the Soaring over Ripon Festival, previously known as "Color the Skies".

D. CNG EXPANSION AND BUS SHELTER PROJECT

T & S West

Award the bid for the CNG Expansion and Bus Shelter contract to T & S West in the amount of \$514,000.00 and authorize staff to proceed. Project is funded by Proposition 1B grants.

**\*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 3A**

Zuber said the resolution states the property owner has 24 months to make payments and avoid interest. Zuber asked when the 24 months starts.

Werner said 30 days from when the letters go out.

Restuccia asked if it could be a specific date, for example July 1, 2018.

Werner said yes.

Zuber asked where the money is going. Zuber said he prefers the money go in a separate account and then it comes before Council to discuss how it is spent.

Werner said it will go in a separate account where it can be tracked and as the money builds up Staff will bring ideas to Council as to how money can be used for Economic Development.

Uecker asked if the fees were set.

Werner said yes, but they will be adjusted from 5% per year to 3%.

### **Discussion on Item 3C**

Zuber said as the proposals reads people can still park on Manley Rd., Meyenberg Ave., and Laurelwood Ln. down to Reynolds Ave. Zuber asked if both sides of Reynolds Ave. will be parking permit only.

Zuber asked what is being done with the frontage road.

Chief Ormonde said signage has been extended along Parallel Ave. to Reynolds Ave.

Zuber said he noticed some tractor work on the vacant lot and asked what is being done with that area to prevent parking.

Ormonde said the property owner said they were going to put up a fence, but they have not. Staff along with Public Works went ahead and created a burm to prevent people from parking there. If parking continues there the property owner will be contacted again.

### **Discussion on Items 3E to 3L**

Zuber said items 3E – 3L cover 8 Assessment Districts and 4 districts have a balance and 4 districts are in the negative. Zuber asked if we go back and evaluate the charges.

Werner said yes. This year Cornerstone had a large balance, which Staff went back and adjusted to only charge for expenses that are anticipated next year.

Zuber asked if that district will get a reduction.

Werner said yes.

Zuber asked where the money comes from for the districts with negative balances.

Werner said the money comes out of the General Fund. Werner said staff evaluates the districts and some of these districts are old and have not been indexed and normally have a negative annual balance.

**Discussion on Item 3M**

Restuccia said he just wanted to point out that the Handicap fine should be higher. Restuccia said he tried to raise this last time on Council and knows it will not happen, but said he sees people that are abusing it constantly and should be a thousand dollar fine to discourage people instead of \$410.00.

**Discussion on Item 4D**

Zuber asked if any City money was going towards this project or is it all grant money. Zuber said he also noticed this project is under budget and asked if the extra money would be lost or can it be used on other projects.

Werner said this project is grant funded. Werner said the extra money is there to be used for change orders or other contingencies that occur throughout the project.

**MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE CONSENT CALENDAR ITEMS 3A, 3C, 3E TO 3L, 3M, AND 4D.**

**5. ORDINANCES**

**Notes:**

*First Reading and Introduction*

A. ORDINANCE NO. 843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON REPEALING EXISTING CHAPTER 16.194 OF THE RIPON MUNICIPAL CODE AND ADDING NEW CHAPTER 16.194 OF THE RIPON MUNICIPAL CODE

This ordinance repeals the existing Chapter 16.194 of the Ripon Municipal Code and adds a new Chapter 16.194, titled “Affordable Housing”.

Planning Director Zuidervaart said Staff went through a whole set of policies with Council to create Affordable Housing. This ordinance is those policies accepted by the Council in a codified form to move forward in an Ordinance. Zuidervaart said there are several options for a developer to provide affordable housing when they build in Ripon.

**MOTION: MOVED/SECONDED (UECKER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 843.**

*Second Reading and Adoption*

B. ORDINANCE NO. 842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 8.28 TO THE RIPON MUNICIPAL CODE, TITLED “MASSAGES/MESSAGE BUSINESSES”

This ordinance adds Chapter 8.28 to the Ripon Municipal Code, titled “Massages/Message Businesses”.

Planning Director Zuidervaart said Ordinance No. 842 is before Council for the 2<sup>nd</sup> reading and adoption. Zuidervaart requested the floor be opened for discussion.

Kathy Rich with Kathy's Therapeutic Massage said she has been a masseuse in town for over 16 years and is for the ordinance. Kathy said her instructor recently passed away in December and all records are gone so she has no way of proving her schooling and hours of certification due to her transcripts being gone. Kathy said she hopes to be grandfathered in and would appreciate Council's consideration. Kathy has enjoyed working in Ripon and is very involved with the community.

Kimberly DeJong asked how the owners and workers at certain locations would be notified of the new ordinance due to English not being their first language.

Chief Ormonde said bilingual services are available and the City can contract out to relay these new laws.

Jennifer Komatsu with Natural Path Wellness said she is for the ordinance, but would like clarification a couple of items in the ordinance.

Komatsu said a massage business permit has to be obtained by anyone who is not certified through the State of California. So Komatsu as an owner asked if she needed one.

Zuidervaart said not if she is certified by the California Massage Therapy Council (CAMTC).

Komatsu said there is a section in regards to reporting all occurrences deemed illegal to the Chief of Police once the business owner is made aware.

Komatsu said this area is vague and she doesn't understand why she would report on things that have nothing to do with an employee's profession or her business.

Chief Ormonde said the department only needs to be notified of arrests. The department only wants information collected by the CMATC so they can further investigate and see if that person is a risk to the business.

Vice Mayor Uecker asked if there was a window period to meet certification requirements once this ordinance is passed. He said he does not like the idea of putting people out of a job, like Mrs. Rich.

Zuidervaart said the certification requirement goes into effect January 1, 2017. The other laws within the ordinance go into effect 30 days after adoption.

Uecker asked for the City Attorney's thoughts on grandfathering in a person.

City Attorney Tom Terpstra said in a situation like Mrs. Rich you can consider grandfathering in by a case by case basis. In order to keep the ordinance moving Staff can add an amendment or resolution to the ordinance at a later date allowing the Chief to look at individual cases and decide if that person should be grandfathered in.

Council Member Zuber said he does not like putting the decision solely on Chief Ormonde. Zuber said he would like to see something with structure created for Chief to follow and then he can evaluate the individual on a case by case basis.

Terpstra said you can add an amendment or resolution to the ordinance with these stipulations and add an exception for a period of time. This would be for existing therapists and not newly licensed ones who have or can go through the correct licensing process.

Council Member Restuccia said he does not want to delay this ordinance any further.

Terpstra said the ordinance can be adopted tonight and the resolution or amendment can come back at another date in regards to grandfathering someone in.

Kimberly DeJong urged Council to move forward with adopting the ordinance tonight. DeJong has concerns with some of the message parlors in town and would like to have the ordinance in place to enforce new laws immediately.

Melani Monk local massage therapist has the same issue as Mrs. Rich in that she has been working in this community for over 20 years and was certified and complies with the standards, but has no certificate. Monk offered some options that might help that surrounding city's have tried.

Restuccia asked if locked doors during business hours and inspections during business hours had been revised in the ordinance. The issue with inspections during business hours only is the illegal activities are happening after hours and how do you prevent that.

Zuber understands the need for the doors being locked during business hours if no one is there to man the front, but also knows there are ways to secure a building without an actual lock and key, this section needs to be clarified in order to protect business owners and clients.

Chief Ormonde said there has to be probable cause in order for the department to inspect businesses after hours.

Mayor Parks is glad that concerned have been voiced. Parks said people without certificates will be affected since paper fades and in the case of Mrs. Rich your school or teacher is no longer available.

**MOTION: MOVED/SECONDED (RESTUCCIA,WINCHELL) AND CARRIED BY A 5-0 VOTE TO ADOPT ORDINANCE NO. 842 WITH A RESOLUTION OR AMENDMENT TO THE ORDINANCE COMING BACK WITH GOOD CAUSE LANGUAGE FOR EXCEPTIONS THAT PROVIDE PARAMETERS AND CLARIFICATION ON LEGAL PERMISSIONS FOR LOCKING DOORS.**

AYES: Restuccia, Winchell, Parks, Uecker, Zuber  
NOES: None  
ABSENT: None  
ABSTAIN: None

## **6. DISCUSSION ITEMS**

### **Notes:**

#### **A. UNMANNED AIRCRAFT SYSTEMS ORDINANCE**

*Discussion/No Action*

Requesting City Council discussion on the possible implementation of an Unmanned Aircraft Systems ordinance that would limit the usage and restrict certain locations within the City of Ripon where unmanned aircraft systems can be operated.

Chief Ormonde said the department is requesting implementation of an ordinance to limit and restrict the usage of Unmanned Aircraft Systems due to the rising complaints it is receiving from citizens within the community. The department has had a significant increase in the number of complaints of Unmanned Aircraft Systems being flown in residential areas, hovering over private property, and following persons in public areas. Ormonde said currently there are no local regulations regarding operating Unmanned Aircraft Systems, which makes addressing of our citizens concerns impossible.

Chris Lake – Resident and member of the Modesto RC Club and active member of the Academy of Model Aeronautics (AMA) wanted to speak about the rising concerns he has in regards to drones and community safety. Lake said there are no regulations for drones and he has been working with the Federal Aviation Administration (FAA) and the AMA to create rules, since the FAA said jurisdictions can regulate their own territories however they see fit.

Lake said there needs to be regulations and rules for flying drones within communities to protect citizens to hold people accountable for their actions.

Council directed Chief Ormonde to draft an ordinance to bring back to Council at a future date.

B. 2016-2017 BUDGET

*Discussion/No Action*

Staff to present the proposed 2016-2017 Budget.

City Administrator Werner gave a PowerPoint Presentation on the Fiscal Year 2016-2017 Budget with highlights. Werner said the Public Hearing is scheduled for June 14, 2016 and adoption of the budget is planned for July 12, 2016. Werner shared the Fiscal Year 2015-2016 General Fund financial report which shows a \$600,000 general fund surplus. Similar to last year, if the numbers hold true Staff will bring the actual surplus amount before City Council with some options to consider to potentially utilize the money. He also shared list of possible capital projects that could be considered by Council.

## **REPORTS**

**Department Heads:** Public Works Director Johnston said the city is in the middle of its Spring Clean-up program.

Johnston said a new Water Conservation Coordinator has been hired.

Johnston said compared to 2013, the City reduced water usage by 35%, this is above the state mandated 33% and the average is 29%. The Governor is modifying regulations in the next few months.

**City Council:** Council Member Restuccia said he wanted to thank Supervisor Winn for his assistance and insight at the OneVoice trip in Washington D.C. Winn was able to help answer in depth questions in regards to water on behalf of the city.

Restuccia recommended that one city staff member attend the OneVoice trip next year.

Council Member Zuber said the Love Ripon event was impressive. Zuber expressed his gratitude to the group for a job well done on the projects around town.

Vice Mayor Uecker agreed with Restuccia that a city staff member should attend the OneVoice trip with a Council Member next year to assist in answering the in depth questions on local projects.

Uecker thanked Cal Crush for their 4<sup>th</sup> of July fundraising efforts.

Mayor Parks said having a city staff member attend the OneVoice trip next year might be a good idea. Staff is more involved in the in depth conversations and can help Council members in meetings.

**PUBLIC DISCUSSION ON CLOSED SESSION MATTERS:** No one from the public wished to speak at this time.

**CLOSED SESSION:**

The meeting was called to order at 8:20 p.m.

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

**OTHERS PRESENT:** City Administrator Kevin Werner, City Attorney Tom Terpstra, Chief Ormonde, City Clerk Lisa Roos.

**IN THE MATTER OF:**

- Personnel Negotiations pursuant to Section 54957.6 of the California Government Code.
  - Police Officers' Association
  - Ripon Sergeants' Association
  - Operating Engineers Local Union No. 3
  - Non- Represented Employees
  -

City Attorney Terpstra said there was general discussion on budgetary assumption. Staff was given direction. No reportable action was taken.

- Real Property Negotiations (Section 549.8)
  - Property: 875 W. River Road (APN: 245-34-013)
  -

City Attorney Terpstra said staff was given direction. No reportable action was taken.

- Conference with Legal Counsel – Existing Litigation
  - Ramos v. City of Ripon

City Attorney Terpstra said Council authorized a settlement per recommendation of RMA representative.

There being no further business, the meeting adjourned at 9:17 p.m.

(Signed) Jacob Parks  
Mayor

ATTEST:

(Signed) Tricia Raymond  
Deputy City Clerk