
Ripon City Council Minutes

TUESDAY, JULY 12, 2016

CLOSED SESSION: The closed session meeting was called to order at 5:00 p.m.

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

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

Absent: Council Member Mark Winchell

OTHERS PRESENT: City Administrator Kevin Werner, City Clerk Lisa Roos, City Attorney Tom Terpstra

IN THE MATTER OF:

- Real Property Negotiations pursuant to Section 54956.9 of the California Government Code.
 - Property: 1500 Ruess Road (APN: 257-30-020)
- 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

There being no further business, the meeting adjourned at 5:55 p.m.

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order at 6:04 p.m. with the Council Member Michael Restuccia leading in the Pledge of Allegiance to the Flag.

INVOCATION: Pastor Chris Williams gave the invocation.

Deputy City Attorney Stacy Henderson reported on the Closed Session that direction was given to staff and no reportable action was taken.

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

Absent: City Council Member Mark Winchell

OTHERS PRESENT: City Administrator Kevin Werner, Deputy City Attorney Stacy Henderson, 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 Joshua Brenner, Engineering Supervisor James Pease, Chris Lake, Jaime Fountain.

PUBLIC DISCUSSION: Aaron Donato, Chief Negotiator with the Law of Office of Mastagni Holstedt wanted to thank staff for their time and due diligence with the negotiation process.

APPROVAL OF MINUTES: **MOTION:** MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON JUNE 14, 2016 AND THE SPECIAL MEETING ON JUNE 30, 2016.

APPROVAL OF AGENDA AS POSTED (OR AMENDED): **MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE THE AGENDA AS POSTED.

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

Retail Sales Tax (2015 \$201,602.09)	\$279,497.31	
Highway Users Tax (2015 \$34,852.64)	<u>\$26,694.79</u>	
TOTAL		\$306,192.10

B. WASTE MANAGEMENT

Franchise fee payment – May 2016		\$1,902.44
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C. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease – June 2016		\$999.53
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D. T-MOBILE

Cell Tower Lease		\$898.03
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2. Bills, Invoices, Payments**A. NATIONAL METER & AUTOMATION, INC.**

Material Purchase – Water Meter Installation Project

Progress Payments –

Invoice #S1072336.001	\$2,280.96	
Invoice #S1072217.001	\$102.57	
Invoice #S1072140.004	\$7,324.02	
Invoice #S1072140.002	\$5,369.76	
Invoice #S1071716.003	\$980.10	
Invoice #S1071716.001	\$163.35	
Invoice #S1072140.006	\$12,263.41	
Invoice #S1072288.001	\$532.17	
Invoice #S1072140.008	\$1,861.92	
Invoice #S1064420.022	\$2,461.33	
Invoice #S1072951.003	\$772.72	
Invoice #S1073176.001	\$37.81	
Invoice #S1073329.001	\$2,892.78	
Invoice #S1071716.005	<u>\$1,470.15</u>	
TOTAL		\$38,513.05

B. PETERSON BRUSTAD, INC.

SB5 Compliance – 200 year Flood Mapping		\$4,809.53
Progress Payment – Invoice #6403		

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

C. SILICON VALLEY BUSINESS JOURNAL		
Gateway to Growth Publication		\$2,232.22
D. SAN JOAQUIN REGIONAL TRANSIT DISTRICT		
Blossom Express Driver		\$1,996.65
May Invoice #AR109615		
E. WOOD RODGERS		
Well Site Suitability & Design		
Progress Payment – Invoice #99940	\$7,092.50	
Well 5 & 12 Assessments & Design		
Progress Payment – Invoice #99941	<u>\$5,275.00</u>	
	TOTAL	\$12,367.50
F. TERPSTRA HENDERSON		
General Matters	\$15,713.50	
Police Matters	\$1,712.85	
J-M Manufacturing	<u>\$70.00</u>	
	TOTAL	\$17,496.35
G. BASECAMP ENVIRONMENTAL		
River Road/Fulton Avenue – Intersection Improvement Project		
Progress Payment – Invoice #1018		\$3,112.30
H. PRICE PAIGE & COMPANY		
Audit Services		\$5,410.00
Progress Payment – Invoice #10487		
I. CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY		
2016-2017 1 st Quarter Deposits		\$242,746.00

CONSENT CALENDAR

NOTES:

2. Bills, Invoices, Payments, continued:

J. J.B. ANDERSON LAND USE PLANNING

SB5 Compliance – Progress Payment
Invoice #070116W19

\$679.50

3. Miscellaneous Items

A. 2016 LOCAL AGENCY BIENNIAL NOTICE

Conflict of Interest Code

Approve the 2016 Local Agency Biennial Notice confirming the City's Conflict of Interest Code, and authorize the Mayor to execute the document. (Amendments have been made to the code approved by Resolution No. 14-54 on August 19, 2014)

B. LAN PARCEL MAP

Land Subdivision Map

Authorize the City Administrator, Mayor, and City Clerk to sign the subdivide map and have it recorded by the San Joaquin County Recorder's office.

C. LIEBERT CASSIDY WHITMORE

Agreement for Special Services
Employment Relations Consortium
Membership (July 2016 – June 2017)

Authorize the Mayor to sign the agreement with Liebert Cassidy Whitmore for training and consulting services; and approve payment of membership dues.

(Dues: \$2,255.00 due before August 1)

D. FEHR AND PEERS

General Services Agreement

Authorize the Mayor to sign the agreement with Fehr and Peers to perform the traffic signal and electrical portion of the design for the River/Fulton Road Intersection & Sidewalk Improvement Project.

(Cost: not to exceed \$19,500.00)

E. DOMESTIC WATER WELL NO. 19 MINOR SITE PLAN PERMIT

Initial Study/Negative Declaration
Mistlin Sports Park Well

Adopt the Negative Declaration for Water Well #19 and direct staff to file the Notice of Determination for Water Well #19 to be constructed at the northern edge of Mistlin Sports Park.

CONSENT CALENDAR:

NOTES:

3. Miscellaneous Items, continued:

F. SUBDIVISION IMPROVEMENT AGREEMENT (SIA)

Alexandra Place Subdivision

Accept the SIA and authorize the Mayor and City Clerk to sign the SIA for recording.

G. SUBDIVISION IMPROVEMENT AGREEMENT (SIA)

Silverstone Subdivision

Accept the SIA and authorize the Mayor and City Clerk to sign the SIA for recording.

H. FINAL MAP

Silverstone Subdivision

Accept the Final Map for the Silverstone development and authorize the Mayor, City Engineer, and City Clerk to sign for recording.

4. Resolutions

A. RESOLUTION NO. 16-51

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF
RIPON ADOPTING THE
MEMORANDUM OF
UNDERSTANDING
FOR FISCAL YEARS 2016-2017
AND 2017-2018 FOR ALL
EMPLOYEES OF THE CITY OF
**RIPON POLICE OFFICER'S
ASSOCIATION**

This resolution adopts the MOU for the Police Officer's Association for fiscal years 2016-2018.

B. RESOLUTION NO. 16-52

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF
RIPON ADOPTING
MEMORANDUM OF
UNDERSTANDING
FOR FISCAL YEARS 2016-2017 and
2017-2018 FOR ALL
EMPLOYEES OF THE CITY OF
**RIPON POLICE SERGEANT'S
ASSOCIATION**

This resolution adopts the MOU for the Police Sergeant's Association for fiscal years 2016-2018.

CONSENT CALENDAR:

NOTES:

4. Resolutions, continued:

C. RESOLUTION NO. 16-53

RESOLUTION OF THE CITY
COUNCIL OF THE
CITY OF RIPON ADOPTING THE
MEMORANDUM OF
UNDERSTANDING
FOR FISCAL YEARS 2016-2017
AND 2017-2018 FOR ALL
EMPLOYEES OF THE CITY OF
RIPON WORKING IN THE
CLASSIFICATION OF **PUBLIC
WORKS MAINTENANCE
AND PUBLIC WORKS FOREMAN**

This resolution adopts the MOU for those working in the classification of Public Works Maintenance and Public Works Foreman for fiscal years 2016-2018.

D. RESOLUTION NO. 16-54

RESOLUTION OF THE CITY
COUNCIL OF THE
CITY OF RIPON EMPLOYEE
COMPENSATION PLAN FOR
FISCAL YEAR 2016-2017 FOR ALL
**ADMINISTRATIVE STAFF AND
NON-REPRESENTED POLICE
DEPARTMENT EMPLOYEES**

This resolution adopts the employee compensation for fiscal years 2016-2017 for all administrative staff and non-represented Police Department employees.

End of Consent Calendar

MOTION: MOVED/SECONDED (ZUBER,UECKER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE THE CONSENT CALENDAR AS POSTED.

5. PUBLIC HEARINGS

NOTES:

A. RESOLUTION NO. 16-55

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF
AND APPROVING THE LEVY OF
THE ANNUAL ASSESSMENT FOR
THE FISCAL YEAR 2016-2017 FOR
ASSESSMENT OF THE LIGHTING
DISTRICT, CITY OF RIPON,
COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS **CITY
OF RIPON LIGHTING
DISTRICT.**

This is a public hearing to set the amount and give approval of the levy of the annual assessment for fiscal year 2016-2017 for the City of Ripon Lighting District.

Council action: Authorize the Mayor to sign and execute any and all documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

City Administrator Werner said this is the annual process the City goes through to set the annual assessment for the City of Ripon Lighting District.

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 4-0 (WINCHELL ABSENT) VOTE TO APPROVE RESOLUTION NO.16-55 AND AUTHORIZE THE MAYOR TO SIGN AND EXECUTE ALL DOCUMENTS TO THE COUNTY ASSESSOR'S OFFICE IN ORDER TO PLACE THE ASSESSMENT ON THE COUNTY TAX ROLLS.

6. ORDINANCES

NOTES:

First Reading and Introduction

A. ORDINANCE NO. 844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 9.34 TO THE RIPON MUNICIPAL CODE, TITLED "UNMANNED AIRCRAFT SYSTEMS."	This ordinance adds Chapter 9.34 to the Ripon Municipal Code, titled "Unmanned Aircraft Systems."
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Police Chief Ormonde said the department is requesting the adoption of an ordinance that would limit the usage and restrict locations within the City of Ripon where unmanned aircraft systems can be operated. Ormonde said discussion at the June 14th meeting led to the ordinance being revised and is before Council tonight for a first reading and introduction.

Council Member Restuccia asked if the penalty charges on page 257 were the maximum.

Ormonde said those are the maximum fines that can be issued.

Council Member Zuber asked if Section C was removed from the second page relating to "operator line of site".

Deputy City Attorney Henderson said the Federal Aviation Administration (FAA) has its own regulations in regards to line of site and ceiling to floor regulations so the city will defer to those regulations in order to hold local jurisdiction for the safety of the public.

Henderson said the goal in drafting this ordinance is to allow people to do their recreational activities within the FAA regulations, but give the Police Department authority to enforce penalties if a person operates in a manner that interferes, or which may interfere, in any way, with another person or entity's right to privacy, right to quiet enjoyment of his/her property, business operations or recreational activities as stated on page 256, Section D.

Zuber said without "operator line of site" in the ordinance it will be hard to catch violators.

Henderson said there is a provision on page 256, Section D that allows the Police Department to regulate the danger and enforce penalties as necessary. Henderson said with the FAA regulations evolving and changing this section was best fit to allow for the Police Department to regulate any and all dangerous activities.

Zuber said he is still worried because without line of site people can use drones with video cameras and you will never know where they are or where they came from.

Henderson said Section A on page 256 states all Model Aircraft or Civil UAS shall be labeled with the owner's name, address and telephone number.

Ormonde said there have been several drafts of this ordinance and the language in this one allows local jurisdiction and if issues arise the City can always defer to the FAA.

Zuber said he wants to thank staff and Chris Lake for their work on this ordinance.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 844.

Chris Lake – Resident and member of the Modesto RC Club and active member of the Academy of Model Aeronautics (AMA) asked why there is a new Section C, no flying at night. Why can't we fly at Mistlin Park where it does not impede on others.

Ormonde said there is a current ordinance that states parks are closed after dusk, so this ordinance prohibits night flying, plus the FAA regulations do not recommend it.

6. ORDINANCES

NOTES:

First Reading and Introduction

B. ORDINANCE NO. 845

AN ORDINANCE OF THE CITY OF
RIPON REPEALING CHAPTER
5.28, 5.29, AND 5.32 OF THE
RIPON MUNICIPAL CODE AND
INTRODUCING AN NEW
CHAPTER 5.28, TITLED "UTILITY
JOINT TRENCH AND
CONSTRUCTION
REQUIREMENTS."

This ordinance repeals Chapter 5.28, 5.29, and 5.32 of the Ripon Municipal Code and introduces a new Chapter 5.28, titled "Utility Joint Trench and Construction Requirements."

City Administrator Werner said there has been extensive conversation on the impacts of this ordinance to Charter Communication's installation work. Other entities such as Verizon, Frontier and PG&E have minimal concerns. The biggest concern Charter has is with areas that have outages or flooding. The conclusion in regards to those areas is to handle them on a case by case basis. Charter's biggest concern is with the utility boxes and their placement below ground in new construction and the raising of boxes in existing sites where there are issues.

Werner said he and City Attorney Terpstra have been back and forth with Charter regarding provisions in the ordinance. Just this morning Charter contacted staff and said they wanted more time. Werner said they will continue to work with Charter, but staff recommends waiving the first reading and introducing the ordinance.

Council Member Restuccia said this item was first introduced 4 months ago and has been added and pulled from the agenda multiple times. The goal is to do what is right for Ripon and this ordinance is setting requirements that do that. Restuccia said this needs to move forward.

Mayor Parks said if the issues are minor and can be worked out, then Council should move forward with the ordinance. Enough time has lapsed and these issues should have been taken care of.

MOTION: MOVED/SECONDED (RESTUCCIA,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 845.

6. ORDINANCES

NOTES:

First Reading and Introduction

C. ORDINANCE NO. 846

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 amends Chapter 8.28, to include a grandfather clause and provide parameters and clarification on legal permissions for locking doors.

Planning Director Zuidervaart said at the City Council meeting in April, the City Council unanimously adopted Chapter 8.28 pertaining to massages and massage businesses within the City of Ripon. At that meeting the City Council instructed City staff to bring back an amendment to clarify two issues: providing a grandfather clause within the ordinance; and providing parameters and clarification on legal permissions for locking doors. The City Attorney’s office looked at both requests and has provided red line copies of both recommendations.

Deputy City Attorney Henderson said there are added provisions in Section 8.28.040 that permit existing and law abiding businesses to be grandfathered in without a CAMTC certification and clarification was provided for Section 8.28.070(N) related to the ability of businesses to lock the front door. The language states “During business hours, the entry door to the Massage Business shall remain unlocked and unobstructed unless otherwise permitted by law.” This language is based on Fire Code requirements.

Council Member Restuccia agrees with the amendment changes and appreciates that they don’t affect current long term law abiding businesses.

Council Member Zuber said when he read the language in Section 8.28.070 businesses had to keep their doors unlocked. But what was just stated is that doors could be locked if the fire code permits.

Henderson said on page 276, Section N it states “During business hours, the entry door to the Massage Business shall remain unlocked and unobstructed unless otherwise permitted by law.”

MOTION: MOVED/SECONDED (UECKER,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 846.

6. ORDINANCES

NOTES:

Note: Ordinances 6D – 6H can be taken as one item if no one from the public objects.

First Reading and Introduction

D. ORDINANCE NO. 847

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
AMENDING CHAPTER 16.12 OF
THE RIPON MUNICIPAL CODE
RELATING TO DEFINITIONS AND
USE CLASSIFICATIONS
SYSTEMS

This ordinance amends Chapter 16.12, titled
“Definitions and Use Classifications Systems”.

First Reading and Introduction

E. ORDINANCE NO. 848

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
AMENDING CHAPTER 16.16 OF
THE RIPON MUNICIPAL CODE
RELATING TO RESIDENTIAL
DISTRICTS

This ordinance amends Chapter 16.16, titled
“Residential Districts”.

First Reading and Introduction

F. ORDINANCE NO. 849

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
AMENDING CHAPTER 16.20,
CHAPTER 16.24, AND CHAPTER
16.26 OF THE RIPON MUNICIPAL
CODE RELATING TO OFFICE
AND COMMERCIAL DISTRICTS,
INDUSTRIAL DISTRICTS AND
MIXED USE DISTRICTS

This ordinance amends Chapter 16.20, 16.24,
and Chapter 16.26, titled “Office and
Commercial Districts, Industrial Districts and
Mixed Use Districts”.

First Reading and Introduction

G. ORDINANCE NO. 850

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
AMENDING CHAPTER 16.89 OF
THE RIPON MUNICIPAL CODE
RELATING TO COTTAGE FOOD
OPERATION PERMITS

This ordinance amends Chapter 16.189, titled
“Cottage Food Operation Permits”.

6. ORDINANCES

NOTES:

First Reading and Introduction

H. ORDINANCE NO. 851

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
AMENDING CHAPTER 16.144 OF
THE RIPON MUNICIPAL CODE
RELATING TO PARKING AND
LOADING

This ordinance amends Chapter 16.144, titled
“Parking and Loading”.

Planning Director Zuidervaart said Items 6D – 6H were discussed at the June 14, 2016 meeting and these amendments are the follow up to those updates to make sure the items are in compliance with the Housing Element.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 847, 848, 849, 850, AND 851.

First Reading and Introduction

I. ORDINANCE NO. 852

AN ORDINANCE OF THE
CITY OF RIPON FIXING THE
AMOUNT OF MONEY TO BE
RAISED BY TAXATION AND
THE RATE OR RATES OF TAX
THEREFORE NECESSARY TO
CARRY ON THE VARIOUS
FUNCTIONS AND
DEPARTMENTS OF THE CITY OF
RIPON AND REPEALING ALL
ORDINANCES IN CONFLICT
THEREWITH

This ordinance sets the amount of money
raised by taxes necessary to carry on the
various functions of the City of Ripon.
(City tax rate: \$0.00)

City Clerk Roos said this is an annual ordinance based on numbers in the budget.

MOTION: MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND ADOPT ORDINANCE NO. 852.

7. **RESOLUTIONS**

Notes:

A. RESOLUTION NO. 16-56

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING THE CITY OF RIPON
FISCAL YEAR 2016-2017 BUDGET

General	\$9,936,209	Adopt the City Budget for the fiscal year 2016-2017. The public hearing was held on June 14, 2016.
Streets	\$1,683,270	
Water	\$2,826,258	
Garbage	\$1,684,000	
Transit	\$51,774	
Sewer District	\$1,449,431	
Redevelopment ROPS	\$2,216,830	
Special Districts	\$318,293	
Capital	\$5,602,307	
CDBG	\$7,005	

City Administrator Werner said this is the final step in the budget approval process. Werner showed a slide of the steps in the process.

MOTION: MOVED/SECONDED (RESTUCCIA,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO ADOPT THE CITY BUDGET FOR THE FISCAL YEAR 2016-2017.

Council Member Zuber said when we get the audit report he would like staff to provide a detailed report on the road funds. The report can be for 2015-2016 and should include the sources of money to be used for roads, each category of where the funds came from, and what was provided with those funds. Zuber said he is getting more and more comments on Ripon roads and what is being done.

REPORTS

Department Heads: Chief Ormonde reported that August 2, 2016 is National Night Out from 6:00 p.m. to 9:00 p.m. at the Community Center. Ormonde invited the community to come and enjoy the event.

Public Works Director Johnston reported June water usage was down 30.6% compared to June 2013. Johnston said the Mistlin Sports Park water feature is up and running.

City Council:

Vice Mayor Uecker said the fireworks show was good and the Chamber of Commerce did a great job. Uecker said hopefully they will want to continue hosting the event.

There being no further business, the meeting adjourned at 6:44 p.m.

(Signed) Jacob Parks
Mayor

ATTEST:

(Signed) Tricia Raymond
Deputy City Clerk