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# Ripon City Council Minutes

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TUESDAY, AUGUST 9, 2016

**REGULAR MEETING**

**6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** The meeting was called to order at 6:00 p.m. with Council Member Michael Restuccia 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, City Attorney Tom Terpstra, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, Engineering Supervisor James Pease, Associate Civil Engineer Elizabeth Quilici, Debbie Svopa Meewse, Colleen Medeiros, Sharon Butcher, Jennifer Mellon, Jacob Curtiss, David Niskawen, John B. Anderson, Jaime Fountain, Mary Vizcarra, Connie Jorgenson.

**PUBLIC DISCUSSION:** Ripon Resident Colleen Medeiros said she wanted to discuss how the Mistlin Sports Park is run by TPR Baseball. Medeiros said on top of paying registration fees, guests are charged to enter the fields on practice days and if you have multiple children this expense adds up. Medeiros said there have been many complaints on social media of how TPR Baseball is handling the management of Mistlin Sports park and would like for their lease to be looked at and grievances acknowledged in order to make a change. Medeiros said TPR Baseball should be held to their lease and meet Ripon principles and standards or be shown the door.

Ripon Resident Jacob Curtiss said he met with Recreation Director Stevens and Finance Director Roos to discuss the contract the City has with TPR Baseball and finances in regards to management and concessions. Curtiss said his concerns are with Section 2.5 of the agreement and Exhibit "C". Curtiss said the field conditions are not satisfactory and management of the park is unacceptable. Curtiss would like staff to review the contract with TPR Baseball and ensure they are meeting the requirements. Curtiss would also like staff to look at the finances and feels there have been instances where TPR Baseball has not reported concession money to the City. Curtiss said there are too many red flags that are being ignored and wants what is best for community.

Ripon Resident Bill Long said he met with Colleen and Jacob in regards to the issues with TPR Baseball and went out to the Sports Park to observe the situation. Bill said to have persons pay to watch practices or buy from the concession stand is unreasonable. Bill would like Council to look at the contract with TPR Baseball and see that standards are being met.

Ripon Resident Debbie Svopa Meeuwse said she owns several properties in Ripon and boards horses and chickens on a property over the Fulton Rd. overpass that she has been leasing for over 15 years. Recently she was notified by Code Enforcement that a complaint had been filed. Meeuwse received a letter from Code Enforcement and after meeting with City staff Meeuwse was advised that all equipment and animals need to be removed from the property by August 31<sup>st</sup>. Meeuwse doesn't understand the violation she received and why she must vacate the premises. She wants a better understanding and would appreciate staff and Council looking at this matter further since time is of the essence.

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

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

City Council Member Leo Zuber requested that Items 2G, 3A, 3B, 3C, 4I, and 4N be pulled for discussion from the Consent Calendar.

Council Member Mark Winchell requested that Items 4A and 4B be pulled for discussion from the Consent Calendar.

Council Member Micheal Restuccia requested that Item 4K be pulled for discussion from the Consent Calendar.

**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 \$213,600.00)	\$189,500.00
Highway Users Tax (2015 \$40,382.93)	<u>\$24,541.69</u>

TOTAL	<b>\$214,041.69</b>
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**B. CCATT HOLDINGS**

Acacia Avenue Cell Tower Lease	<b>\$999.53</b>
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**C. BERTOLOTTI DISPOSAL, INC.**

Franchise fee payment – 2 <sup>nd</sup> Quarter 2016	<b>\$1,602.32</b>
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**D. WASTE MANAGEMENT**

Franchise fee payment – June 2016	<b>\$2,279.44</b>
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**2. Bills, Invoices, Payments****A. NATIONAL METER & AUTOMATION, INC.**

Material Purchase – Water Meter Installation Project

Progress Payments-

Invoice #S1070483.005	\$1,717.20
Invoice #S1073329.003	\$709.57
Invoice #S1072952.001	\$7,209.98
Invoice #S1072952.003	\$40.42
Invoice #S1074131.001	\$4,316.65
Invoice #S1074323.001	[\$6,791.04]
Invoice #S1074360.001	\$398.53
Invoice #S1074360.002	\$6,010.21
Invoice #S1073329.002	\$308.84
Invoice #S1074458.001	<u>\$2,003.41</u>

TOTAL	<b>\$15,923.77</b>
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**B. SAN JOAQUIN REGIONAL TRANSIT DISTRICT**

Blossom Express Driver June Invoice #AR109680	<b>\$2,254.61</b>
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**C. TERPSTRA HENDERSON**

General Matters	\$9,649.00
Police Matters	\$1,823.00
J-M Manufacturing	<u>\$711.25</u>

TOTAL	<b>\$12,183.25</b>
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**CONSENT CALENDAR**

**NOTES:**

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

D. CAVES & ASSOCIATES

Professional Services **\$1,117.00**  
Invoice #16-154

E. PADILLA & ASSOCIATES

Professional Services **\$625.00**  
Invoice #16-RIP-1

F. WGR SOUTHWEST, INC.

City Stormwater Permit Assistance

Progress Payments-  
Invoice #18003 \$2,507.40  
Invoice #17909 \$580.00

TOTAL **\$3,087.40**

G. G.M. CONSTRUCTION & DEVELOPERS, INC. *Item 2G was pulled for discussion*

Water Meter Installation Project **\$63,719.35**  
Progress Payment – Invoice #3694.10

H. MARK THOMAS & COMPANY

Circulation Element Update

Progress Payments-  
Invoice #25250 \$1,587.00  
Invoice #25688 \$4,473.00

TOTAL **\$6,060.00**

**3. Resolutions**

A. RESOLUTION NO. 16-57

*Item 3A was pulled for discussion*

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY  
OF RIPON AUTHORIZING THE  
TRANSFER OF  
CERTAIN MUNICIPAL FUNDS

This resolution authorizes the transfers of enterprise funds to the capital reserve funds and general funds to the Landscape Maintenance Districts with deficits.

**CONSENT CALENDAR**

**NOTES:**

**3. Resolutions, continued:**

B. RESOLUTION NO. 16-58

*Item 3B was pulled for discussion*

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
AUTHORIZING THE TRANSFER  
OF CERTAIN MUNICIPAL FUNDS  
FOR STREET MAINTENANCE  
AND REPAIRS

This resolution authorizes the transfer of certain Municipal Funds for Street Maintenance and Repairs.

C. RESOLUTION NO. 16-59

*Item 3C was pulled for discussion*

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
SETTING THE MEYENBERG  
AVENUE AND MCBRIAN DRIVE  
RESIDENTIAL PARKING PERMIT  
PROGRAM AREA

This resolution approves Meyenberg Avenue and McBrian Drive as a Residential Parking Permit required area.

**4. Miscellaneous Items**

*Second Reading and Adoption*

A. ORDINANCE NO. 844

*Item 4A was pulled for discussion*

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."

*Second Reading and Adoption*

B. ORDINANCE NO. 846

*Item 4B was pulled for discussion*

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
AMENDING 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.

**CONSENT CALENDAR**

**NOTES:**

**4. Miscellaneous Items, continued:**

**Note:** Ordinances **4C – 4G** can be taken as one item if no one from the public objects.

*Second Reading and Adoption*

C. 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”.

*Second Reading and Adoption*

D. 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”.

*Second Reading and Adoption*

E. 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”.

*Second Reading and Adoption*

F. 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”.

**CONSENT CALENDAR**

**NOTES:**

**4. Miscellaneous Items, continued:**

*Second Reading and Adoption*

G. 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”.

H. ANNUAL INVESTMENT POLICY REVIEW

July 1, 2015 to June 30, 2016

Accept the City’s annual investment report for  
the period ending June 30, 2016.

I. SAN JOAQUIN COUNCIL OF GOVERNMENTS *Item 4I was pulled for discussion*

Transit – Blossom Express  
Operations Funds - \$50,000.00

Approve the Measure K Renewal Cooperative  
Agreement in order to receive funding to  
operate the Blossom Express transit service  
from July 2016 through June 2017 and  
authorize the Mayor to sign.

J. CHAMBER FOUNDATION

Soaring over Ripon  
Fee Waiver

Waive the \$3,500.00 fee for use of Mistlin  
Sports Park on September 2 - 4, 2016 for the  
Soaring over Ripon Festival, previously  
known as “Color the Skies.”

K. DONATION

*Item 4K was pulled for discussion*

Donation of Bench

Accept the donation from the MacDonald  
Family Trust for the purchase and installation  
of a bench to be placed on the south side of the  
Senior Center on Fourth Street.  
(Donation: \$2,300.00)

L. CLAIM

Preferred Employers Insurance  
Company

Deny the application of a claim filed 6 months  
after the incident by Preferred Employers  
Insurance Company.

## CONSENT CALENDAR

## NOTES:

### 4. Miscellaneous Items, continued:

#### M. TERRACON CONSULTANTS, INC.

General Services Agreement

Authorize the Mayor to sign the agreement with Terracon Consultants, Inc. for quality control field testing services for the CNG Expansion and Bus Shelter Project. Services are paid through the Prop 1B Transit System Safety, Security & Disaster Response account. (Cost not to exceed: \$5,000.00)

#### N. 439 S. ACACIA AVENUE

Award Bid to Contractor A

*Item 4N was pulled for discussion*

Award the bid to the contractor identified as Contractor A for the construction of the affordable house located at 439 S. Acacia Avenue, and direct staff to process the appropriate documents to execute the contract.

#### O. ASSIGNMENT AND ASSUMPTION AGREEMENT

Rod Lowe Project

Consent to the Assignment and Assumption Agreement allowing BMCH California, LLC (Benchmark) to purchase the project and land from R & K Lowe 1997 Revocable Trust of 26.41 acres located at the south-west corner of River Road and Fulton Avenue and authorize the Mayor to sign the acknowledgement and acceptance by the City.

**\*End of Consent Calendar\***

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

### **Discussion on Item 2G**

Council Member Zuber asked when this project would be complete.

Engineering Supervisor Pease said the project is 98% complete. The contractor is finishing up a remainder of homes that are receiving new electronic transmitters. By the end of next month the job will be complete and all of Ripon will be on meters that report electronically.

### **Discussion on Item 3A**

Council Member Zuber asked if these transfers eliminate the deficit within some of the landscape districts that are operating at a deficit due to when they were originally set up. Zuber asked if this will bring them to zero at the end of the 2015-2016 fiscal year.

City Administrator Werner said yes.

Zuber said at the end of every fiscal year we can pay these off so there is no large deficit.

### **Discussion on Item 3B**

Council Member Zuber said this is transferring over a \$1,000,000.00 from various accounts into the Street and Road fund. Zuber said the report does not show what was done with the funds and that is why he requested a report last month.

City Administrator Werner said staff is putting together an itemized report of projects that were done in the fiscal year.

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

Council Member Zuber said when the parking permit program was passed it stated once you request for a permitted area, that area requires parking permits all the time. This request is for permit parking from Memorial Day to Labor Day and then the rest of the year is no permit parking. Zuber said this was not the intent of the program and sees this as a step towards customized parking, which he does not agree with. There was a specific reason for this program in that area, which this request is in this area, but the intent was not to customize time.

Mayor Parks said he agrees with Zuber. The program was to help alleviate traffic in the area and by adding customized dates it could create more issues and take away time and resources from the Police Department.

Council Member Restuccia asked if these specific streets asked for the dates.

Chief of Police Ormonde said the residents did request these specific dates when the area is most affected. The dates were presented on the ballot. If it does not pass tonight, it will go back for a re-vote for the extended time period.

Restuccia said residents can acquire as many permits as they need for the entire year, but sees how the domino effect of parking permit areas could begin in this area.

Ormonde said originally a request for the whole Ripon Bluffs neighborhood was submitted, but did not pass. The groups coming forward now are the areas that are most affected and would have passed if they came forward originally as individual groups. Another neighborhood on the 400 block of South Manley submitted a proposal and has ballots going out next week. The Manley Committee is the last to put in a request.

Zuber asked City Attorney Terpstra if it's possible the way the ordinance is written now to approve this resolution for a time period of one or two years.

Terpstra said you can state a specific time period and then bring the resolution back for amendment. Terpstra said during that time Council and staff can look at the ordinance, but we need to remember that we are dealing with public streets and parking.

### **Discussion on Item 4A**

Council Member Winchell said he has concerns with Section 9.34.030(I) in the Unmanned Aircraft Systems ordinance which states "No person shall operate any Model Aircraft or Civil UAS within the City of Ripon above or within 100 feet of any organized event including, but not limited to, any sporting event, festival, fair or otherwise." Winchell said he wants the feet extended to 500 feet, instead of 100 feet.

### **Discussion on Item 4B**

Council Member Winchell asked if more could be done to those found in lewd acts at massage businesses besides charging them with a misdemeanor and fining them.

City Attorney Terpstra said depending on the nature of the event there could be criminal proceedings that follow.

### **Discussion on Item 4I**

Council Member Zuber said we get \$50,000.00 towards funding for the Blossom Express. He asked what happens if all the money is not spent.

City Administrator Werner said if the money is not spent it stays in the City. It can be used for other capital purchases that pertain to transportation.

Mayor Parks asked if this funding will be available in the foreseeable future.

Werner said this funding is a specific category in Measure K and will continue for another 25 years.

#### **Discussion on Item 4K**

Council Member Restuccia wanted to publicly recognize and thank the MacDonald family for their generous donation of a bench to the City of Ripon.

#### **Discussion on Item 4N**

Council Member Zuber said the staff report mentions hiring a consultant to manage the building of the house. He asked if that was part of this motion.

Planning Director Zuidervaart said that will be a separate item and the agreement will come back to Council for approval.

Zuber confirmed the only action tonight is to award the job to contractor "A".

**MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEMS 2G, 3A, 3B, 4B, 4I, 4K, AND 4N.

**MOTION:** MOVED/SECONDED (WINCHELL,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEM 4A, ORDINANCE NO. 844 WITH THE DISTANCE BEING AMENDED FROM 100 FEET TO 500 FEET.

**MOTION:** MOVED/SECONDED (ZUBER,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEM 3C, RESOLUTION NO. 16-59 AS AMENDED WITH A 2 YEAR IMPLEMENTATION. AFTER TWO YEARS A RESOLUTION WILL BE BROUGHT BACK TO COUNCIL FOR CONSIDERATION.

### **5. PUBLIC HEARING**

#### **A. GENERAL PLAN AMENDMENT(G16-02) AND ZONING TEXT AMENDMENT (Z16-02)**

Senate Bill 5

A public hearing to consider an amendment to the Community Health and Safety Element of the General Plan and an Ordinance to amend Title 16 of the Ripon Municipal Code to incorporate the requirements of California Senate Bill 5 (2007) related to 200-year flood protection for urban areas.

#### **Council Action:**

- Adopt the Resolution approving an amendment to the City's Community Health and Safety Element of the General Plan; and
- Waive the first reading and introduce the City Council Ordinance amending Title 8 and 16 of the Ripon Municipal Code.

Planning Director Zuidervaart introduced consultant John Anderson. Zuidervaart said this public hearing is in regards to Senate Bill 5 and the requirements related to the 200-year floodplains.

John Anderson – J.B. Anderson Land Use Planning said this is an unfunded State mandate dealing with the 200-year floodplains and what impacts they may have upon cities in this area. The two goals were to modify the general plan safety element and modify ordinances that are referenced in the 200-year floodplain. The City of Ripon chose to map out the floodplains and they were pretty consistent with where they should be on the west side, but on the east side it was different which can be seen in the staff report.

David Niskanen – J.B. Anderson Land Use Planning presented a PowerPoint presentation on Senate Bill 5 requirements that need to be incorporated into the General Plan and Zoning related to the 200-year floodplain.

Vice Mayor Uecker asked if these findings could affect flood insurance rates.

Niskanen said no because these are State mandates.

Council Member Restuccia said the Planning Commission approved the amendments to be brought forward to Council by a vote of 4-0. Restuccia asked if they had a choice.

Niskanen said you do not have a choice. It's an unfunded State mandated requirement.

Council Member Winchell said the findings reflect a minimal impact to Ripon if there was a 200-year flood.

Zuidervaart said that is correct. Within the city limits there are no effects. There is a small 5-10 acre parcel of land on the east side of town that would have issues and would need to meet certain standards if development were to occur.

## **PUBLIC HEARING OPENED**

No one wished to speak at this time

## **PUBLIC HEARING CLOSED**

**MOTION:** MOVED/SECONDED (UECKER, WINCHELL) AND CARRIED BY A 5-0 VOTE TO ADOPT RESOLUTION NO. 16-60 AND WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 853.

**6. RESOLUTIONS**

**NOTES:**

A. RESOLUTION NO. 16-61

A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
FOR THE DEPARTMENT OF  
TRANSPORTATION MASTER  
AGREEMENT FOR RIVER  
RD./FULTON AVE.  
INTERSECTION IMPROVEMENTS

This resolution authorizes the Mayor to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments thereto with the California Department of Transportation in order to receive Federal and/or State funding for the River Road/Fulton Avenue Intersection Improvement project.

Engineering Supervisor Pease said this resolution authorizes the Mayor to execute all agreements pertaining to the River Road/Fulton Avenue Intersection Improvement Project.

**MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 16.61.

B. RESOLUTION NO. 16-62

A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
FOR THE DEPARTMENT OF  
TRANSPORTATION MASTER  
AGREEMENT FOR CNG SOLID  
WASTE COLLECTION VEHICLE

This resolution authorizes the Mayor to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments thereto with the California Department of Transportation in order to receive Federal and/or State funding for the purchase of a CNG Solid Waste Collection Vehicle.

Engineering Supervisor Pease said this resolution authorizes the Mayor to execute all agreements pertaining to the purchase of a CNG Solid Waste Collection Vehicle.

Council Member Zuber asked if this is a separate purchase from the 2 trucks that were damaged in the fire.

Pease said yes.

Zuber said then we will have 3 new CNG trucks.

**MOTION:** MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 16-62.

6. **RESOLUTIONS, continued:**

**NOTES:**

C. RESOLUTION NO. 16-63

A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
ADOPTING DESIGN GUIDELINES  
FOR RESIDENTIAL  
LANDSCAPING

This resolution approves the City of Ripon Residential Landscaping Design Guidelines and directs staff to process the appropriate Municipal Code amendments in order to reference the design guidelines.

Planning Director Zuidervaart said this is the final draft of the Residential Landscaping Design Guidelines. Zuidervaart said when the first draft was introduced it was 95% complete. Some adjustments were made and now it is before Council for approval.

Council Member Zuber said once this is adopted developers will need to meet and implement the standards stated for front yards with development.

Zuidervaart said yes. The developer will follow guidelines and submit plans to the Planning Department to ensure they are in compliance with the plan.

**MOTION: MOVED/SECONDED (WINCHELL,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 16.63**

7. **ORDINANCES**

**NOTES:**

*Second Reading and Adoption*

A. 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."

Lisa Ludovici, Director, Government Affairs – Charter Communications said Charter's network in Ripon delivers state-of-the-art broadband to residents and businesses throughout Ripon, provides educational tools to schools and library, and contributes a portion of revenue to the City in the form of franchise fees. In 2015 Charter paid \$80,000.00 in fees.

Ludovici said the prior local franchise Charter had in Ripon required the systems to be built underground which resulted in chronic service outages due to water damage, in particularly to amplifiers that serve 8-500 customers.

Ludovici said the new ordinance does not protect against future outages, nor does it support the quality of care for outages.

Ludovici shared a PowerPoint presentation outlining current issues and proposed changes to the new ordinance.

City Attorney Terpstra said this process has been ongoing for 8 months. There have been meetings, phone calls, and drafts that have gone back and forth between Ms. Ludovici and the Charter legal team.

Council Member Zuber said in the latest proposal provided by Charter there were 6 variances between Charter and the City of Ripon. Zuber read through each variance and stated he was comfortable with the ordinance and any concerns that Charter has can be mitigated within the ordinance.

**MOTION: MOVED/SECONDED (ZUBER,WINCHELL) AND CARRIED BY A 5-0 TO APPROVE ORDINANCE NO. 845.**

CLERK'S NOTE: PRIOR CHAPTER 5.29 IS REPEALED BY VIRTUE OF THE ADOPTION OF THIS ORDINANCE, SAID REPEAL TO BE RATIFIED EXPRESSLY BY SUBSEQUENT CITY COUNCIL ACTION.

**8. DISCUSSION ITEMS**

**NOTES:**

A. DEVELOPMENT FEE SCHEDULE COMPARISON

*Discussion*

Goodwin Consulting provided a comparison of Ripon's development fees to a number of neighboring cities during a June 30, 2016 workshop. After reviewing the results of the survey, the City Council directed Goodwin Consulting to evaluate certain policy changes to Ripon's development fee program. Goodwin Consulting will review the results of these policy changes, for City Council's consideration.

Victor Irzyk from Goodwin Consulting Group said last month a workshop was held in regards to the AB1600 Fee Comparison and as a result of the survey Ripon was not the highest, but in the upper range. Irzyk presented a PowerPoint on the various recommended revisions to fees for Retail, Office, Warehouse, Manufacturing, and Light Industrial & Light Manufacturing and the new comparison of fees with surrounding cities in which Ripon is now 4<sup>th</sup> in comparison in a total of 7 surrounding cities.

Council addressed concerns with Office and Light Industrial fees and requested more background and comparison into how other cities charge their fees.

B. PROPOSED AUDIO-VISUAL UPGRADES TO CITY COUNCIL CHAMBERS

*Discussion*

Staff has explored possible upgrades to the audio-visual equipment currently being used in the council chambers. Mayor Parks, Councilmember Zuber, City Administrator Werner, Deputy City Clerk Raymond, and Information Technology Supervisor Brannon have toured the San Joaquin County Board of Supervisors chambers, which was recently retrofitted with upgraded audio-visual equipment. Staff will provide a recommendation of audio-visual upgrades, for City Council's consideration.

Information Systems Technician Brannon said at the request of Council he has been researching upgrades to the City Council Chambers audio-visual systems to resolve several continual problems. Two biggest areas of concern are the touch screen voting system and the poor visual quality of presentations projected and displayed on the council dais.

Brannon said he along with a group of City Staff and Council members toured the San Joaquin Board of Supervisors chambers, which recently underwent an upgrade similar to our requests.

Brannon provided a detailed list of upgrades such as an Accela Digital Boardroom and Automated Agenda System, add/replace aging computers that support the meetings, replace touch panel displays, and install speaker-timer system for Council Chambers facilities with a one-time cost of \$9,580.00 and an annual fee of \$14,920.00.

Council Member Zuber asked if the surface devices will be used to operate the system or if laptops were included in the quote. Zuber said the Board of Supervisors had larger screens in order to see the agenda and operate the voting page.

Brannon said that is up to Council and he can acquire a quote for the laptops.

Zuber said with the improvements and the annual fee, staff may need to look at the fees being charged to other groups using the Chambers and adjust them to help support the ongoing costs of the improvements.

Council advised Brannon to move forward with the proposed audio-visual upgrades for Council Chambers.

**8. DISCUSSION ITEMS, continued:**

**NOTES:**

C. ALCOHOL ORDINANCE

*Discussion*

Council Member Zuber has requested an agenda item to discuss possible changes to Chapter 9.04 of the City's Municipal Code titled, "Alcoholic Beverages".

Council Member Zuber said over the years there has been a lot of conversation around town and at events in regards to this ordinance. Zuber said instead of hearing people talk about it, he wants to start the conversation.

Council Member Restuccia said the current ordinance controls where alcoholic beverages are consumed.

Vice Mayor Uecker said there is no reason why something can't be stipulated in the ordinance to allow for alcoholic beverages to be consumed at certain venues and events.

Mayor Parks said by adding something in the ordinance that allows for alcohol at events could help businesses.

Uecker suggested creating a committee to discuss the current ordinance and proposed changes with input from (2) Council Members, City Staff, Police Chief Ormonde, (1) Chamber of Commerce Member, (1) Community Member, and (1) Business owner.

Mayor Parks asked who would like to sit on the committee from the Council.

Uecker and Winchell will sit on the committee and report at the September meeting.

## **REPORTS**

**Department Heads:** Police Chief Ormonde presented a PowerPoint on the 2016 Mid-Year Crime and Activity statistics for the last 8 years of activity comparing January through June. Total incidents are down over the past 5 years, overall down 3% from last year. UCR Part 1 Crimes have decreased compared to last year and larceny and general theft has increased, due to unlocked vehicles, shop lifting, or items being taken from property. Ormonde said Total Arrests are down from last year due to less activity at the river and more community response.

Ormonde thanked the community, City Staff, City Council, Fire and Police Departments, and everyone else who participated in National Night Out.

Ormonde said school is back in session tomorrow, so please drive safe.

Director of Public Works Johnston reported July water usage was down 29% compared to July 2013. Johnston said 158 warning door hangers were hung and 14 citations written.

Council Member Zuber requested a report in November on total water citations written, payments made, and outstanding payments for the year.

Engineering Supervisor Pease said two bids will be open at the end of the month for the 2016 Rubber Cape Seal project and Well 5 & 12 Rehabilitation project.

**City Council:** Council Member Restuccia said he had heard of issues before tonight with TPR Baseball and thought they had been addressed. Restuccia said he would like to see a report next month on TPR Baseball and the maintenance of the park and if they are or are not living up to their contract.

Council Member Zuber said this is the first year with the new fireworks ordinance in place and would like to see a report on how many violations were reported, cited, fines issued, and fines collected.

Zuber said he would like to have the Ripon Chamber of Commerce attend the September meeting and give a report on the 4<sup>th</sup> of July event.

There being no further business, the meeting was adjourned at 9:30 p.m.

(Signed) Jacob Parks  
Mayor

### **ATTEST:**

(Signed) Tricia Raymond  
Deputy City Clerk