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# Ripon City Council Minutes

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**TUESDAY, SEPTEMBER 13, 2016**

**CLOSED SESSION:**  
**4:30 P.M.**

**CLOSED SESSION:** The closed session meeting was called to order at 4:30 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, Mark Winchell, Michael Restuccia, Vice Mayor Dean Uecker. Absent: Mayor Jacob Parks.

**OTHERS PRESENT:** City Administrator Kevin Werner, City Clerk Lisa Roos, Planning Director Ken Zuidervaart, City Attorney Tom Terpstra, Alan Jeppson, Rick Fairbank.

**IN THE MATTER OF:**

(1) Personnel Negotiations pursuant to Section 54957.6 of the California Government Code.  
Alan Jeppson and Rick Fairbank left at 5:25 p.m.

(2) Conference with legal counsel – Potential Litigation: Code Enforcement pursuant to Section 54956.9 of the California Government Code.

(3) Conference with legal counsel: Contract negotiations pursuant to Section 54956.8 of the California Government Code.

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 6:00 p.m. with Ripon Boy Scout Troop 414 leading the Pledge of Allegiance to the Flag.

**INVOCATION:** Pastor Ken Boonstra gave the invocation.

**ROLL CALL:** Council Members Leo Zuber, Mark Winchell, Michael Restuccia, Vice Mayor Dean Uecker.  
Absent: Mayor Jacob 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, Colleen Medeiros, Connie Jorgensen, Daniel de Graaf, Jaime Fountain, Gaynl Trotter, Chris Crandall, Jeff Hutchison, Ripon Boy Scout Troop 414, Danielle Pierce, James Kelly, Roger Valdez, Lance Boullion.

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

**APPROVAL OF MINUTES: MOTION: MOVED/SECONDED (RESTUCCIA,WINCHELL) AND CARRIED BY A 4-0 (PARKS ABSENT) VOTE TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING ON AUGUST 9, 2016.**

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

Resident Chris Crandall requested to speak on Consent Calendar Item 3A.

Crandall wanted to thank everyone involved in putting together the parking permit program. Crandall said the Ripon Bulletin wrote a story that he rebutted because it only had Council statements, none from the residents as to why the program was needed. The changes the parking permit program will provide to the Ripon Bluffs area is safety for the neighborhood, its residents and visitors. Crandall said the article stated there were potential concerns for fires, which are now controlled by an ordinance that prohibits any fires in parks. The parking permit program limits access and provides control, in turn making it a safe place. Crandall said if the parking permit program is considered for changes in the future he would like the neighborhoods to be advised.

Council Member Michael Restuccia requested Item 4C be pulled for discussion from the Consent Calendar.

Council Member Leo Zuber requested that Items 3A, 4G, 4H, and 4J be pulled for discussion from the Consent Calendar.

Engineering Supervisor James Pease requested that an Emergency Item be added to the Consent Calendar as Item 4K.

**MOTION: MOVED/SECONDED (RESTUCCIA,WINCHELL) AND CARRIED BY A 4-0 (PARKS ABSENT) VOTE TO ADD AN EMERGENCY ITEM 4K TO THE CONSENT CALENDAR.**

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

## CONSENT CALENDAR

## NOTES:

### 1. Income

#### A. STATE OF CALIFORNIA

Retail Sales Tax (2015 \$284,800.00)	\$252,700.00	
Highway Users Tax (2015 \$26,274.15)	<u>\$30,909.20</u>	
TOTAL		\$283,609.20

#### B. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease		\$999.53
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#### C. WASTE MANAGEMENT

Franchise fee payment – July 2016		\$1,938.87
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#### D. GILTON SOLID WASTE MANAGEMENT, INC.

Franchise Fess (quarter ending June 30, 2016)		\$5,450.83
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#### E. T-MOBILE

Cell Tower Lease – July	\$898.03	
Cell Tower Lease - August	<u>\$898.03</u>	
TOTAL		\$1,796.06

#### F. CHARTER COMMUNICATIONS

2 <sup>nd</sup> Quarter Franchise Fees (ending June 2016)		\$21,954.27
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### 2. Bills, Invoices, Payments

#### A. BANK OF STOCKTON

Semi-Annual Retirement Account		\$36,166.99
Administration fees for non-PERS employees		

#### B. GOODWIN CONSULTING GROUP, INC.

Development Impact Fee Program Update		\$9,450.00
Invoice #8617		

#### C. J.B. ANDERSON LAND USE PLANNING

SB5 Compliance		\$7,415.00
Progress Payment- Invoice #080116W19		

**CONSENT CALENDAR:**

**NOTES:**

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

D. LIEBERT CASSIDY WHITMORE

Professional Services \$1,007.50  
Invoice #1422462

E. CITY OF STOCKTON

Ripon Library Operating Costs 2016-2017 \$22,220.00  
Invoice #382738

F. NATIONAL METER & AUTOMATION, INC.

Material Purchase – Water Meter Installation Project

Progress Payments –  
Invoice #S1074622.001 \$552.96  
Invoice# S1075275.001 \$60.21

TOTAL \$613.17

G. PRICE PAIGE & COMPANY

Audit Services \$12,200.00  
Progress Payment - Invoice #10691

H. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver \$1,254.46  
July Invoice #AR109735

I. STANTEC

Wastewater Discharge Permit \$1,862.00  
Groundwater Monitoring – 2<sup>nd</sup> Quarter  
Progress Payment – Invoice #1085749

J. TERPSTRA HENDERSON

Charter Communication \$275.00  
General Matters \$16,832.00  
Lowe Agreement \$1,031.25  
Police Matters \$2,094.20

TOTAL \$20,232.45

**CONSENT CALENDAR:**

**NOTES:**

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

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

Water Meter Installation Project **\$49,844.13**  
Progress Payment – Invoice #3694.11

L. TERRACON

CNG Expansion and Bus Shelter Project

Progress Payments –

Invoice #T805651 \$726.00

Invoice #T814222 \$2,400.00

TOTAL **\$3,126.00**

M. WGR SOUTHWEST, INC.

City Stormwater Permit Assistance **\$315.00**  
Progress Payment – Invoice #18133

N. WOOD RODGERS

Well 5 & 12 Assessments & Design

Progress Payment – Invoice #446 \$2,790.00

Well 19 Assessment & Design

Progress Payment – Invoice #445 \$5,640.20

TOTAL **\$8,430.20**

**3. Resolutions**

A. RESOLUTION NO. 16-64

*Item 3A was pulled for discussion*

RESOLUTION OF THE CITY  
COUNCIL OF THE CITY  
OF RIPON SETTING THE SOUTH  
MANLEY ROAD RESIDENTIAL  
PARKING PERMIT PROGRAM  
AREA

This resolution sets the 400 block of South Manley Road as the South Manley Road Residential Parking Permit Program area.

**CONSENT CALENDAR, continued:**

**NOTES:**

**4. Miscellaneous Items**

*Second Reading and Adoption*

**A. ORDINANCE NO. 853**

AN ORDINANCE AMENDING THE  
RIPON MUNICIPAL CODE TITLE  
8 AND TITLE 16 TO ADDRESS  
THE REQUIREMENTS OF  
CALIFORNIA SENATE BILL 5  
(2007) AND ASSOCIATED  
LEGISLATION RELATED TO  
PROVISION OF 200-YEAR FLOOD  
PROTECTION TO CALIFORNIA  
URBAN AREAS

This ordinance amends Chapter 8 & 16 of the Ripon Municipal Code that addresses requirements of California Senate Bill 5 (2007) and associated legislation related to the 200-year flood protection plan of California urban areas.

**B. RIVER ROAD/FULTON AVENUE INTERSECTION IMPROVEMENT PROJECT**

CEQA Approval

Adopt the Negative Declaration for the River Road/Fulton Avenue Intersection Improvement Project and direct staff to file the Notice of Determination for the project.

**C. INTERAGENCY AGREEMENT AMENDMENT** *Item 4C was pulled for discussion*

Driver for the Ripon Transit Service

Approve the Third Amendment to the Interagency agreement with San Joaquin Regional Transit District for transportation services from July 1, 2016 through June 30, 2017 with a new rate of \$39.10.

**D. CROWN CASTLE “CCATT”**

Consent to Sublease

Approve the sublease by Crown Castle to Verizon Wireless and authorize the Mayor to sign the consent to sublease and the Property Owner Letter of Authorization for property located at 1214 South Acacia Avenue.

**E. MUNICIPAL FINANCIAL SERVICES**

Water, Sewer, and Garbage Rate  
Analysis

Approve the proposal for Municipal Financial Services to perform a rate analysis for the water, sewer and garbage utilities for the period February 2017 – January 2018.

**CONSENT CALENDAR:**

**NOTES:**

**4. Miscellaneous Items, continued:**

F. SENIOR CENTER

Lucas Business Systems

Authorize the Mayor to sign the Lease agreement and other documents for the 60 month lease of a copier for the Ripon Senior Center.

G. AUDIO-VISUAL UPGRADES TO CITY COUNCIL CHAMBERS  
Equipment Upgrades

*Item 4G was pulled for discussion*

Approve the audio-visual upgrades to the City Council Chambers in the amount of \$17,080.00 of one-time expense and an annual fee of \$14,920.00.

H. 2016 ASPHALT RUBBER CAPE SEAL CAPITAL PROJECT  
American Pavement Systems

*Item 4H was pulled for discussion*

Staff is recommending that the City Council award the 2016 Asphalt Rubber Cape Seal Capital Project in the amount of \$599,656.63 to American Pavement Systems. The project includes (1) an asphalt rubber cape seal on various roadways surrounding Vermuelen Park and the Spring Creek area; (2) slurry seal on Main Street between Acacia Avenue and Industrial Avenue; and (3) pavement repair test sections on Mulholand Drive.

I. WELL 5 & 12 REHABILITATION PROJECT

Reject bids

Staff is recommending that the City Council reject all bids for the Well 5 & 12 Rehabilitation Project and authorize staff to proceed with re-bidding the project.

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

*Item 4J was pulled for discussion*

Water Meter Installation Project

Accept the work completed by G.M. Construction & Developers, Inc. and authorize the filing of a Notice of Completion with the retention of (\$53,413.53) to be paid 35 days after recording.

**CONSENT CALENDAR:**

**NOTES:**

**4. Miscellaneous Items, continued:**

K. BASECAMP ENVIRONMENTAL

*Item 4K Emergency Item Added*

General Services Agreement

Authorize the Mayor to sign the general services agreement with Basecamp Environmental to provide environmental services for the River Road Intersection and Sidewalk Improvement Project.  
(Cost not to exceed: \$22,000.00)

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

**MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (PARKS ABSENT) VOTE TO APPROVE THE CONSENT CALENDAR AS AMENDED.

**Discussion on Item 3A**

Council Member Zuber asked if this program was year around or part-year.

Chief Ormonde said the program is year around.

**Discussion on Item 4C**

Council Member Restuccia said he sits on the board for the San Joaquin Regional Transit District (SJRTD) and would like to be removed from voting on this item.

Zuber asked how long we have been paying SJRTD for a driver and what was the hourly rate before this amendment.

City Administrator Werner said SJRTD has been providing a driver for the Blossom Express since 2012-2013. The original hourly rate was \$55.00, which included maintenance plus the driver. We do not need the maintenance and that is why the hourly rate is coming down. SJRTD is looking to refund or credit the city the amount charged for maintenance over the past few years.

**Discussion on Item 4G**

Zuber said if the city is going to incur a \$15,000.00 a year cost for technology upgrades to Council Chambers then a cost breakdown should be calculated for the use of the facility and technology to address future rental agreements and pricing.

**Discussion on Item 4H**

Zuber asked if any maintenance would occur on Main Street before the Rubber Cape Seal was put down. There are many areas that need attention.

Engineering Supervisor Pease said areas of concern will be patched up before the Rubber Cape Seal project occurs. There will be a change order or another contractor that will correct the problem areas.

### **Discussion on Item 4J**

Zuber said the total amount for the project is \$200,000.00 shy of the original contract amount. Zuber asked if savings were realized later on in the project.

Pease said there were some estimated costs that were lower than expected and some product not used. This created savings.

Restuccia asked how long the maintenance bonds stay in place.

Pease said there is a 1 year maintenance bond.

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

Pease said staff is moving forward with the River Road Intersection and Sidewalk Installation project and while in meetings with Caltrans, staff was advised of additional environmental studies that need to take place. Environmental clearance is critical to secure funding for the project due to the accelerated timeline of the Active Transportation Program (ATP) which requires approval through the California Transportation Commission (CTC). The original approved funding for environmental studies was \$22,000.00, and an additional \$4,500.00 is needed to complete additional studies.

Zuber asked if this is widening River Road on the north side near Park View School and then adding traffic signals at the corner of River Road and Fulton Avenue.

Pease said yes.

**MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (PARKS ABSENT) VOTE TO APPROVE ITEM 3A, 4C, 4G, 4H, 4J, AND 4K.

## **5. ORDINANCES**

### **Notes:**

#### *First Reading and Introduction*

#### A. ORDINANCE NO. 854

AN ORDINANCE OF THE CITY OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 2.06 TO THE MUNICIPAL CODE, ENTITLED "CITY COUNCIL MEETINGS" This ordinance adds Chapter 2.06 to Title 2, Administration and Personnel, entitled "City Council Meetings".

City Attorney Terpstra said this ordinance adds Chapter 2.06, titled "City Council Meetings" to the Ripon Municipal Code. The rules are intended to create an atmosphere in which members of the City Council and its Commissions can conduct business efficiently, fairly and with full public participation. The rules are guided by 4 basic principles, as set forth in Rosenburg's Rules of Order.

Council Member Restuccia said he thought we were practicing this already.

Terpstra said the Council has been practicing correct procedures, but has not been codified.

**MOTION:** MOVED/SECONDED (RESTUCCIA, WINCHELL) AND CARRIED BY A 4-0 (PARKS ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 854.

**6. DISCUSSION ITEMS**

**Notes:**

A. FOURTH OF JULY RECAP

*Discussion/No Action*

Chamber of Commerce staff to report on the Fourth of July event.

Tamra Spade with the Ripon Chamber of Commerce said the Fourth of July event was successful and wanted to publicly thank all of the sponsors and the City of Ripon for their donations and help.

Spade said although it was a great event with few glitches, she doesn't know how the Chamber will host it moving forward, due to the lack of resources and man power.

Council Member Restuccia said there was a great turn out, but agrees there needs to be more volunteers.

Council Member Winchell asked how the event faired financially, did it make money or break even.

Spade said the event made a little money which will roll over to next year, but basically the Chamber broke even. Without the volunteers and resources, the event is tough to put on.

Vice Mayor Uecker thanked the Chamber of Commerce for putting on a great event and he hopes more people will volunteer and help in the upcoming years.

B. DEVELOPMENT FEE SCHEDULE COMPARISON

*Discussion/No Action*

City Council to provide direction on the recommended changes to the City of Ripon's Public Facility Financing Fees and provide direction on moving forward with amending the City of Ripon's AB1600 report pursuant to the fee updates.

Victor Irzyk from Goodwin Consulting Group said at the August City Council meeting Council requested more comparisons be provided for Office and Light Industrial fees.

Irzyk shared a PowerPoint presentation with comparisons of the latest version of proposed impact fees to the City's current fees. The latest fee comparison shows Ripon's fee total compared to surrounding cities and includes fee comparisons for seven sample Light Industrial projects.

Council Member Zuber said in the Light Industrial fee comparisons, Lathrop still has lower fees across the board and asked why that is. Zuber said there was conversation of Lathrop using Debt Financing, but we need to find the facts in order to explain to developers why there is a difference in costs.

Planning Director Zuidervaart said the goal tonight is to get direction on if the fees are good to move forward with and if so amend and update AB1600 report. Zuidervaart said staff is also requesting Goodwin Consulting Group put together a working document tool to help explain the difference in fees compared to other cities to prospective developers.

Council directed staff to move forward with the presented fees and agreed to have Goodwin Consulting Group create a tool for the Planning Department to use in showing fee comparisons to developers.

### C. WATER CONSERVATION

*Discussion/Action*

Staff will provide an update on water conservation and the new State water conservation approach.

Public Works Director Ted Johnston shared a PowerPoint presentation on the current water conservation measures and efforts being taken to reduce water use in Ripon.

Johnston said the City has been operating under an adopted statewide water conservation order since April 2015 that required Ripon to achieve 33% water conservation. To date efforts like installing water meters, updating telemetry systems, rebates, and public outreach have resulted in an overall water conservation of 29.9%.

On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that allows urban water suppliers to replace their prior state-assigned percentage target reduction with a localized “stress test” approach. In determining the City’s future water supply, staff used the decrease in groundwater levels during the recent drought conditions as an indicator for estimating future groundwater levels. In the last 3 years the groundwater levels have decreased on an average of one foot per year, assuming that the groundwater level rate of decrease remains the same, the City would still have a more than adequate water supply in the case of an additional three years of drought.

Johnston said staff is suggesting the City Council consider to either (1) continue with the current conservation standard of 33% (2) use 25% based on the State’s overall reduction goal, or (3) select another conservation standard that is appropriate for Ripon.

Council said all of the efforts put forth by the city, staff, and residents has been great in reducing water use by 29%, but believe 30% is a fair mandate and an attainable standard.

**MOTION:** MOVED/SECONDED (ZUBER,WINCHELL) AND CARRIED BY A 4-0 (PARKS ABSENT) VOTE TO MAINTAIN THE CURRENT WATER MEASURES AND RESTRICTIONS AND SET THE CONSERVATION STANDARD AT 30 PERCENT.

### D. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

*Discussion/No Action*

Staff will provide an update on the implementation of the Sustainable Groundwater Management Act and on-going discussions related to the formation of the Groundwater Sustainable Agency.

City Administrator Werner said in September 2014, Governor Brown signed a three-bill package known as the Sustainable Groundwater Management Act (SGMA). The legislation provides a framework for sustainable management of groundwater supplies by local authorities. SGMA requires all high-priority and medium-priority groundwater basins, as designated by the California Department of Water Resources, be managed by a Groundwater Sustainability Agency (GSA). A local public agency or

combination of local public agencies overlying a designated basin may elect to become a GSA if the agency (or agencies) has (or have) water supply, water management or land use responsibilities.

Werner said by June 30, 2017 local agencies are required to have created a GSA, or multiple GSAs, covering the entire groundwater basin. Within the Eastern San Joaquin County Groundwater Basin, which Ripon is located within, there are 22 eligible agencies that can form separate GSAs. In October 2015, SSJID (along with other agencies within the Basin) elected and filed to become a GSA within its service boundaries, which included the Cities of Ripon, Manteca, and Escalon.

Staff believes there are advantages to Ripon by participating in a GSA with SSJID, Escalon, and Manteca. Staff members from the respective agencies have been discussing how the GSA would be formed – either by way of a Joint Powers Agreement (JPA), a Memorandum of Agreement (MOA) or other legal agreement.

Werner said the cities and SSJID are planning to meet with elected representatives from each entity for initial feedback on the governance and then bring forward a proposal to each agency's respective elected body for approval.

Council Member Restuccia asked if there will be costs associated with this agency.

Werner said there will be costs for consultants and the monitoring of the system.

#### E. LEASE OF MISTLIN BASEBALL FIELDS

##### *Discussion/No Action*

During the August City Council meeting a number of comments were provided regarding the lease of the Mistlin Baseball Fields. As requested by the City Council, staff has looked into these items and will report on the findings.

Recreation Director Stevens said at the August City Council meeting comments were made regarding the lease and operation of Mistlin Sports Park by TPR Baseball, so staff met with TPR Baseball and investigated the citizen concerns.

Stevens shared a PowerPoint presentation with background information on TPR Baseball and addressed the issues of signage, concessions, finances and field conditions.

Lance Boullion with TPR Baseball said they are the 5<sup>th</sup> largest company in field and tournament management in the United States. They value their relationship with the City of Ripon and are honored to lease Mistlin Sports Park.

Resident Colleen Medeiros said she first came to the City Council out of frustration when she was going to have to pay \$12.00 to enter Mistlin Sports Park to watch her son practice with her children. This led to her reaching out to the City to get answers.

Medeiros said she still has concerns with (1) who monitors cash flow at the park since there are no cash registers, (2) staff not being polite and lengthy bag searches, and (3) poor field conditions.

Boullion said they try to deter coaches from wanting to practice on tournament nights at Mistlin Sports Park, because of the cost to the parents to enter. In this particular case the coach was advised of the cost, but he still wanted to practice there.

Boullion said since they began leasing Mistlin Sports Park it's been under construction and there is no storage for equipment, so unfortunately there are no cash registers. Boullion explained they pay the City

a flat rate to lease the facilities and a percentage of concessions. In regards to the field status, Boullion stated TPR Baseball often uses their own money and time to help manage fields.

Boullion said the staff is often younger teens getting paid minimum wage, but thorough bag checking is a strict policy in order to prevent outside drinks and food from coming in the park, with the exception of water.

Council Member Zuber said he wanted to clarify that between 3:30 p.m. to 5:00 p.m. there is public access to the fields at Mistlin Sports Park where they are not being used for tournaments. At this time the City Parks ordinance applies and no organized team events can be held.

Stevens said that is correct. It's for public use by non-organized groups. A typical example would be a father and son using the fields to practice throwing.

## **REPORTS**

**Department Heads:** Police Chief Ormonde provided an update on the Fourth of July illegal fireworks responses and citations in accordance with the new ordinance.

Ormonde said 23 reports were filed between July 3 through July 5, 16 occurred on the Fourth of July. Six Citations were given, in which one went through the court system and the remaining ones are pending.

Public Works Director Johnston said on Saturday, October 8, 2016 the City will hold its City-Wide Yard Sale. Applications are located online or at City Hall.

Planning Director Zuidervaart said at the August City Council meeting a citizen spoke about an active code enforcement case, which is going through the code enforcement process at this time.

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

**City Council:** Vice Mayor Uecker said the Alcohol Ordinance Committee met and a proposal was provided to Council to review before the October meeting where it will be placed on the agenda for discussion and approval.

There being no further business, the meeting adjourned at 8:14 p.m.

(Signed) Jacob Parks  
Mayor

ATTEST:

(Signed) Tricia Raymond  
Deputy City Clerk