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# Ripon City Council Minutes

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**TUESDAY, JANUARY 6, 2009 - 7:00 P.M.**

**CLOSED SESSION:** The meeting was called to order at 6:00 p.m.

**ROLL CALL:** Council Members Charlie Gay, Dean Uecker, Garry Krebbs, Vice-Mayor Elden “Red” Nutt, Mayor Chuck Winn

**OTHERS PRESENT:** City Administrator Leon Compton, City Engineer Kevin Werner, City Attorney Tom Terpstra, City Clerk Lynette Van Laar.

**IN THE MATTER OF:** Conference with Legal Counsel pursuant to Section 54956.8 of the California Government Code regarding Ripon Farm Service

There being no further business, the meeting adjourned at 6:50 p.m.

## **REGULAR COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE:** The meeting was called to order as indicated at 7:00 p.m. with Council Member Charlie Gay leading in the Pledge Allegiance to the Flag

**INVOCATION:** Tom Terpstra gave the invocation.

**ROLL CALL:** Council Members Charlie Gay, Dean Uecker, Garry Krebbs, Vice-Mayor Elden “Red” Nutt, Mayor Chuck Winn

**OTHERS PRESENT:** City Administrator Leon Compton, City Engineer Kevin Werner, City Attorney Tom Terpstra, Planning Director Ken Zuidervaart, City Clerk Lynette Van Laar, Deputy City Clerk Jeanne D. Hall, Information Systems Technician Dan Brannon, Director of Public Works Ted Johnston, Police Chief Richard Bull, Recreation Director Kye Stevens, Development Specialist Sheryl Prater, Del Otten, Bernice Finley, Lorraine Goff, Ed Newland, Rabid Norzei, Brigitte Long, Stephanie Hobbs, Jim Mulrooney, Joel Castro, Melinda Kopp, Dennis Tucker, Lisa Suender, Andy Varian, Brain Heath.

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

**APPROVAL OF MINUTES: MOTION:** MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING OF DECEMBER 16, 2008 AND THE SPECIAL CITY COUNCIL MEETING OF DECEMBER 29, 2008.

**APPROVAL OF AGENDA AS POSTED (OR AMENDED): MOTION:** MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE AGENDA AS POSTED.

**CONSENT CALENDAR**

**Notes:**

**1. Income**

|                          |                     |                     |
|--------------------------|---------------------|---------------------|
| A. STATE OF CALIFORNIA   |                     |                     |
| Proposition 1B           | \$54,990.93         |                     |
| Retail Sales Tax         | <u>\$210,461.44</u> |                     |
|                          | <b>TOTAL</b>        | <b>\$265,452.37</b> |
| <br>                     |                     |                     |
| B. COUNTY OF SAN JOAQUIN |                     |                     |
| Municipal Sewer          | \$123.84            |                     |
| Ripon Lighting           | \$95.95             |                     |
| General Fund             | <u>\$24,331.80</u>  |                     |
|                          | <b>TOTAL</b>        | <b>\$24,551.59</b>  |
| <br>                     |                     |                     |
| C. SPRINT NEXTEL         |                     |                     |
| MCI Ground Lease         |                     | <b>\$419.28</b>     |
| <br>                     |                     |                     |
| D. AT&T                  |                     |                     |
| Acacia Avenue            |                     | <b>\$839.01</b>     |
| <br>                     |                     |                     |
| E. RUDY BONZI, INC.      |                     |                     |
| October Franchise Fees   |                     | <b>\$502.43</b>     |

**2. Bills, Invoices, Payments**

|                                     |  |                     |
|-------------------------------------|--|---------------------|
| A. SIERRA NEVADA CONSTRUCTION, INC. |  |                     |
| S. Frontage Road, Phase 2           |  |                     |
| Progress Payment                    |  | <b>\$154,499.11</b> |
| <br>                                |  |                     |
| B. ASPEN SURVEY                     |  |                     |
| Handicap Ramp Construction          |  |                     |
| Progress Payment                    |  | <b>\$5,240.00</b>   |

**CONSENT CALENDAR**

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

|    |  |                                    |                    |
|----|--|------------------------------------|--------------------|
| C. | RMC WATER AND ENVIRONMENT              |                                    |                    |
|    | Water System Model Development         |                                    |                    |
|    | Progress Payment                       |                                    | <b>\$714.56</b>    |
| D. | COMMUNICATION CONSULTANTS              |                                    |                    |
|    | Stockton Avenue Utilities              |                                    |                    |
|    | Progress Payment                       |                                    | <b>\$315.00</b>    |
| E. | INTERWEST CONSULTING GROUP             |                                    |                    |
|    | Transportation Planning                |                                    |                    |
|    | Progress Payment                       |                                    | <b>\$1,430.00</b>  |
| F. | HAWKINS, DELAFIELD & WOOD, LLP         |                                    |                    |
|    | Arbitrage Rebate and Yield Restriction |                                    |                    |
|    | Compliance Services                    |                                    |                    |
|    | Basic Report Fee                       |                                    | <b>\$1,800.00</b>  |
| G. | THOMAS H. TERPSTRA – LAW               |                                    |                    |
|    | General                                | \$9,384.00                         |                    |
|    | Police Department Matters              | \$1,554.00                         |                    |
|    |  | <u><u>                    </u></u> | <b>\$10,938.00</b> |
| H. | LSC-TRANSPORTATION CONSULTANTS, INC.   |                                    |                    |
|    | Short Range Transit Plan               | These charges will be              |                    |
|    | Progress Payment                       | reimbursed through Stanislaus      |                    |
|    |  | Council of Governments,            |                    |
|    |  | Modesto FTA 5307 Funds.            | <b>\$5,426.44</b>  |

**CONSENT CALENDAR, continued:**

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

|    |   |                    |
|----|---|--------------------|
| I. | JACK TONE CROSSING CORP.                  |                    |
|    | Ripon Crossing, Phase 1 - SIA             |                    |
|    | Extend non-potable water line to Jack     |                    |
|    | Tone Overcrossing                         | <b>\$44,062.02</b> |
| J. | HCS ENGINEERING, INC.                     |                    |
|    | Ripona Elementary School LED Lights       |                    |
|    | Progress Payment                          | <b>\$500.00</b>    |
| K. | DAMON S. WILLIAMS ASSOCIATES              |                    |
|    | Well No. 12 - SMI                         |                    |
|    | Progress Payment                          | <b>\$8,380.00</b>  |
| L. | OMNI-MEANS                                |                    |
|    | Main Street/Stockton Avenue Rehab Project |                    |
|    | Progress Payment                          | <b>\$536.50</b>    |
| M. | WEST COAST NETTING                        |                    |
|    | Mistlin Baseball Netting                  |                    |
|    | Progress Payment                          | <b>\$25,622.44</b> |
| N. | MILLER PEZZONI & ASSOC., INC.             |                    |
|    | Main Street/Stockton Avenue Rehab Project |                    |
|    | Progress Payment                          | <b>\$360.00</b>    |

**CONSENT CALENDAR, continued:**

**3. Miscellaneous Items**

A. ROSS F. CARROLL, INC.

Main Street/Stockton Avenue Rehab Project  
Change Order No. 21

Approve Change Order No. 21 for  
landscaping and irrigation repairs behind  
the City right-of-way due to elevation  
differences.

(Cost not to exceed: \$16,000.00)

**👉 End of Consent Calendar 👈**

**MOTION:** MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE CONSENT CALENDAR.

4. PUBLIC HEARINGS

Notes:

A. ZONING TEXT AMENDMENT (TAZ08-03)

Steven Mennucci  
140 S. Walnut  
Chapter 16.12 “Use Classification System”  
16.20.1 (Table) “Office and Commercial Districts”  
C3 “Central Business District”

This is a public hearing to consider amendments to Title 16 (Development) to include indoor automobile showrooms and allow the use in the Central Business District. **A Negative Declaration (PEA08-32) is recommended for this project.**

Planning Director Zuidervaart introduced the report, stating that according to our current ordinance, auto sales are not allowed in the C3 District, and indoor vehicle sales are not allowed at all. He said that staff feels that under the right conditions, indoor vehicle sales may be allowed within certain districts with a use permit. Zuidervaart said that there will be certain conditions and restrictions, and the applicant must comply with the sign ordinance for the particular district. He explained that the applicant wanted Condition D(a) (the batteries must be disconnected) be deleted, but the Fire Chief said that it is part of the fire code and cannot be removed. Zuidervaart said that Condition D(a) was rewritten to read “Indoor Vehicle Establishments shall comply with all applicable building and fire codes.”

**MOTION: MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 4-0 (UECKER ABSTAINING) TO APPROVE ZONING TEXT AMENDMENT (TAZ08-13) WITH THE AMENDMENT TO CONDITION D(A) “Indoor Vehicle Establishments shall comply with all applicable building and fire codes,” AND ADOPT THE NEGATIVE DECLARATION (PEA08-32).**

B. NEIGHBORHOOD STABILIZATION PROGRAM (NSP)

Housing and Community Development (HCD)

This is a public hearing to consider funding for activities that promote neighborhood investment in areas suffering from high rates of foreclosure and abandonment. The funding is provided by the HCD and the NSP. According to the NSP plan submitted for Federal review, Ripon will be eligible to receive \$221,478.00 in NSP funding, provided the City partners with Escalon, Lathrop, and Lodi.

Development Specialist Sheryl Prater introduced the report stating that in July 2008, Congress passed the Housing and Economic Recovery Act which appropriated \$3.92 billion for the Neighborhood Stabilization Program (NSP) to promote investment in neighborhoods suffering from foreclosures. The Department of

**4. PUBLIC HEARINGS, continued:**

Urban Development (HUD) and the California Department of Housing and Community Development (HCD) are distributing funds through the NSP. She explained that funds can be received from both HUD and HCD. Ripon will receive \$165,555.00 from HUD for the acquisition, rehabilitation, and resale of foreclosed properties. Ripon can also receive \$221,478.00 from HCD if we partner with Escalon, Lathrop and Lodi. Prater added that all activities must benefit low- and moderate-income households. These funds cannot be used to help families prevent foreclosure.

Prater said that to receive the funding, the city must hold two public hearings: one to solicit comments from the public, and the second public hearing to approve the application. Tonight's hearing is just to receive comments and recommendations. Prater said that staff is currently working with Escalon, Lathrop, and Lodi to prepare an MOU for the application process. When that has been reviewed by the City Attorney, it will be brought to Council for a vote at a future meeting.

**PUBLIC HEARING OPENED**

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

**PUBLIC HEARING CLOSED**

*No vote is required at this time.*

5. **DISCUSSION ITEMS**

**Notes:**

A. FRIENDS OF THE LIBRARY

Donation to support the Ripon Memorial Library Intergovernmental Partnership Program (IPP)  
*Discussion/Action*

The Friends of the Library are offering a \$20,000.00 donation to the City of Ripon for the purpose of qualifying for matching funds through the Intergovernmental Partnership Program to benefit the Ripon Memorial Library.

Mayor Winn said that this donation is a pure example of the community, council, and library working together to solve problems. He thanked the Friends of the Library for the donation.

Brigitte Long, representing the “Friends,” said that they still need to raise awareness about the need for funding, and that the library cannot be taken for granted. She said that the Board of Supervisors went to bat for the branch libraries. Long said that the Ripon branch will get another staff person, but that the IPP funding is critical to pay for the collections.

**MOTION: MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 5-0 TO ACCEPT THE DONATION OF \$20,000.00 FROM THE FRIENDS OF THE LIBRARY FOR THE INTERGOVERNMENTAL PARTNERSHIP PROGRAM.**

B. LETTER OF INTENT TO RENT THE LAWRENCE PROPERTY

Mulrooney Auction Company  
Equipment Auction  
February 7, 2009  
*Discussion/Action*

Authorize Jim Mulrooney to rent the “Lawrence” property located at Jack Tone Road and River Road from January 29 to February 11, 2009 for a community equipment auction.  
(Rent: \$1,000.00)

City Administrator Compton said he has seen this auction take place on other properties, and it has always been a good event. He said that the Council can charge any fee that they want, but the company will go through the Special Events Process.

Jim Mulrooney, Mulrooney Auction Company, said that he auctions farm equipment. He said he has held auctions on the Bouzeneris property, but that was developed, so he moved to Manteca. He would like to use the Lawrence property this time, and he will have parking available, portable toilets, and work with the city in all aspects.

Council Member Uecker asked the Chief if there have been any problems with this event.

**5. DISCUSSION ITEMS, continued:**

Chief Bull said there have been no problems.

**MOTION:** MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO AUTHORIZE JIM MULROONEY TO RENT THE “LAWRENCE” PROPERTY LOCATED AT JACK TONE ROAD AND RIVER ROAD FROM JANUARY 29 TO FEBRUARY 11, 2009 FOR A FEE OF \$1,000.00, AND TO OBTAIN A SPECIAL EVENT PERMIT FOR A COMMUNITY EQUIPMENT AUCTION.

C. CITY OF RIPON COMMISSIONS

Planning Commission  
Historical Museum Commission  
Recreation Commission  
Senior Commission  
Community and Youth Commission  
*Discussion/Action*

A representative from each Commission will make a presentation regarding their responsibilities and goals. The City Council will determine the necessity of each commission, and provide direction where needed.

Stan Hall, Planning Commission Chairman, listed the responsibilities and functions of the commission as written in the Ripon Municipal Code. He explained that planning is a proactive process by establishing policies for directing and managing future growth and development. The commission also assures that architectural and aesthetic elements of plans are in accordance with the City to reflect the values of the community and establish a sense of place for Ripon residents.

John Mangelos, Historical Museum Commission, said that the Historical Society promoted the new Veterans’ Museum which is manned by the American Legion. The Clarence Smit Museum, located in Stouffer Park, is run by the Museum Commission. He said that the problem is that young people do not care to get involved and the Museum members are in their 60's 70's and 80's. He said he needs a docent program, and that a person only needs to give four hours a month as a docent, but he can't find enough people to do it. Mangelos said that it would be good to move the museum to the old library building on Main Street.

Council Member Uecker commended Mangelos and his fellow commissioners for their work on the museum improvements.

Mangelos said he has reached out to schools to recruit students to help. He said he is looking for students who are interested in history.

Mayor Winn asked if there is a distinct separation of the Historical Museum Commission and the Historical Society.

Mangelos said that the Historical Society works on the displays and researches historical information, and the Museum Commission is responsible for the buildings and display cases and such.

Winn asked if the Commission is still needed. Is the bureaucracy of agendas and minutes necessary, or will people continue the work without a commission?

## 5. DISCUSSION ITEMS, continued:

Mangelos said the Commission is needed to control the Historical Society because they are not organized.

Winn said he has encouraged Council Members to attend the various commission meetings, but the plan was not successful. He said he will try again.

Mangelos said that Vice Mayor Nutt would be a good conduit to bring information back to the Council.

Bob Bockhahn, Parks and Recreation Commission, described the responsibilities and functions of the commission adding that they do not request funds. He said that they assist in enforcement of the rules and regulations. Bockhahn said that the goals of the commission are to maintain the premier parks and recreation programs, to improve the recreation facilities, to update the master plan every five years, and review the park's proceeds and fees. He said that it is instrumental that parents be involved, and it is their policy that every child should have the opportunity to participate in spite of skill sets. He said that they are the buffer for the city when people complain about fees, but they may have to reduce some fees in the future to compete with other areas.

Winn asked how it would impact the commission if a Council Member was on the commission.

Bockhahn said that they don't need a Council Member involved.

Del Otten, Senior Commission, said he keeps in contact with the Senior staff and the different senior groups. He said he prepares the agendas and minutes for the monthly meetings. He said he does a regular walk through to be sure the building is in good repair and everything is functioning. He said that the City has done a good job maintaining the building. Otten said that the Seniors have many activities and hold several pot lucks throughout the year.

Ed Newland, Community and Youth Commission, said that their purpose is to identify existing resources and programs available to the community. He said that they need more workshops for direction. He added that they promote the annual health fair, and helped sponsor the Mother's Day Run to support the Stouffer Field project. They also hold a Get Acquainted Night and produce a brochure of contact information for the special services.

Winn said that the commission does a very good job.

Newland said that they have a problem getting a quorum and they need an Alternate on the commission to fill in when only a couple people show up.

Winn asked if they would be better off being a committee instead of a commission. He said a committee is less formal, and agendas and minutes are not needed.

Newland said that the members would probably approve of being a committee.

Winn said that he will send a list to the Council Members to get their consensus on the needs of a commission – excluding the Planning Commission since it is mandated. Winn said there are four questions: 1) should the commission continue as it presently exists; 2) should the commission continue with an ex officio council member present; 3) continue as a committee; or 4) disband the commission.

**5. DISCUSSION ITEMS, continued:**

Winn said he is not trying to diminish the work done by commissioners, but just find a better way.

Vice Mayor Nutt said that commissions should not be run by Council Members.

**D. COMMITTEE AND TASK FORCE ASSIGNMENTS**

Mayor Winn submitted the list of appointments adding that he needed a volunteer for the Air District-Wide-City Selection Committee. Vice Mayor Nutt volunteered for the position.

**MOTION: MOVED, SECONDED (KREBBS, UECKER) AND CARRIED BY A VOTE OF 5-0 TO APPOINT VICE MAYOR NUTT TO THE AIR DISTRICT-WIDE CITY SELECTION COMMITTEE.**

**City Council Representatives (Standing Committees)**

1. Central Valley Division of League of California Cities Executive Member  
Mayor Winn  
Vice-Mayor Nutt (Alternate)
2. San Joaquin County Council of Governments Executive Board  
Mayor Winn  
Council Member Krebbs (Alternate)
3. San Joaquin Integrated Waste Management Task Force Solid Waste Committee  
Vice-Mayor Nutt  
Council Member Gay (Alternate)
4. LAFCO  
Mayor Winn  
Vice-Mayor Nutt (Alternate)
5. City/County Criminal Justice Task Force  
Mayor Winn  
Vice-Mayor Nutt (Alternate)  
City Administrator Compton  
Chief of Police Bull
6. Air District-Wide City Selection Committee  
Vice Mayor Nutt

**City Council Committees**

1. Legislative Response Committee  
Mayor Winn  
City Administrator Compton
2. Code Enforcement and Vehicle Abatement  
Vice-Mayor Nutt  
Council Member Uecker (Alternate)  
Chief of Police Bull  
Public Works Director Johnston  
Planning Director Zuidervaart  
City Attorney Terpstra

### City Council Committees, continued

3. Housing and Loan Committee
  - Council Member Uecker
  - Vice-Mayor Nutt (Alternate)
  - City Administrator Compton
  - City Clerk Van Laar
  - Planning Director Zuidervaart
4. Downtown Redevelopment Committee
  - Council Member Krebbs
  - Council Member Gay (Alternate)
  - City Administrator Compton
  - Public Works Director
  - Johnston City Engineer Werner
5. Green Committee
  - Mayor Winn
  - Council Member Krebbs (Alternate)
  - City Administrator Compton
  - Public Works Director Johnston
  - City Engineer Werner
6. Special Needs Playground Committee
  - Council Member Uecker
  - Vice-Mayor Nutt (Alternate)
7. Audit Review Committee
  - Council Member Gay
  - Council Member Uecker (Alternate)
  - City Clerk Van Laar

### **City Council Task Forces**

1. Old Library Task Force
  - Council Member Gay
  - Council Member Krebbs (Alternate)

### **Two-by-Two Committees**

1. Ripon Unified School District — Two-by-Two Committee
  - Council Members Gay and Krebbs
2. Ripon Christian Schools — Two-by-Two Committee
  - Mayor Winn and Council Member Krebbs
3. Ripon Consolidated Fire District — Two-by-Two Committee
  - Vice-Mayor Nutt and Council Member Uecker
4. Chamber of Commerce — Two-by-Two Committee
  - Mayor Winn and Council Member Gay

### **Council Positions**

1. Council Auditor
  - Council Member Krebbs
  - Council Member Gay (Alternate)

## **REPORTS**

**City Administrator:** No Report

**City Attorney:** Terpstra said that the Council met in Closed Session at 6:00 p.m. to receive a status report on the Ripon Farm Service issue. This case is in continued mediation and no action was taken.

**City Engineer:** Werner said that the south Frontage Road project is complete.

**Planning Director:** No Report

**Recreation Director:** No Report

**Director of Public Works:** No Report

**Chief of Police:** Bull said he submitted the crime maps to the Council and commented that the Jack Tone area continues to be very active.

**City Council:** Winn said that a list of projects has been submitted to the grant program. City Engineer Werner said that the Council of Government is looking for projects that are ready to begin in 90 days. Werner said that the street rehabilitation project between Stockton Avenue and Doak Boulevard is ready to go, but was held up because of a lack of funding. He said that this project has a good chance of qualifying for the grant.

Uecker, Krebbs, and Winn said that the New Year's Eve party was a great event and that it supports the Police Activities League for children.

There being no further business, the meeting adjourned at 8:46 p.m.

(Signed) Chuck Winn

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Mayor

ATTEST:

(Signed) Jeanne D. Hall

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Deputy City Clerk

**REDEVELOPMENT AGENCY:**

There being no further business, the meeting adjourned at 8:47 p.m.

(Signed) Chuck Winn

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Chairman

ATTEST:

(Signed) Jeanne D. Hall

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Deputy City Clerk

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# Ripon Community Redevelopment Agency Minutes

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**TUESDAY, JANUARY 6, 2009**

**AFTER COUNCIL MEETING**

**ROLL CALL:** Directors Charlie Gay, Dean Uecker, Garry Krebs, Vice-Chairman Elden “Red” Nutt, Chairman Chuck Winn.

**OTHERS PRESENT:** Executive Director Leon Compton, City Engineer Kevin Werner, City Attorney Tom Terpstra, Secretary Ken Zuidervaart, City Clerk Lynette Van Laar, Deputy City Clerk Jeanne D. Hall, Information Systems Technician Dan Brannon, Director of Public Works Ted Johnston, Police Chief Richard Bull, Recreation Director Kye Stevens, Development Specialist Sheryl Prater, Del Otten, Bernice Finley, Lorraine Goff, Ed Newland, Rabid Norzei, Brigitte Long, Stephanie Hobbs, Jim Mulrooney, Joel Castro, Melinda Kopp, Dennis Tucker, Lisa Suender, Andy Varian, Brain Heath.

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

**APPROVE THE MINUTES: MOTION: MOVED, SECONDED (KREBBS, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE OF THE REDEVELOPMENT AGENCY MEETING OF DECEMBER 16, 2009.**

**CONSENT CALENDAR**

**1. Income**

A. COUNTY OF SAN JOAQUIN

Redevelopment Agency **\$9,295.25**

**2. Bills, Invoices, Payments**

A. URBAN FUTURES

Professional Services **\$8,602.50**  
Redevelopment Plan Amendment

**CONSENT CALENDAR**

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

|    |                              |                   |                   |
|----|------------------------------|-------------------|-------------------|
| B. | THOMAS H. TERPSTRA – LAW     |                   |                   |
|    | Redevelopment Plan Amendment | \$2,784.00        |                   |
|    | Redevelopment Issues         | <u>\$4,526.00</u> |                   |
|    | TOTAL                        |                   | <b>\$7,310.00</b> |

**End of Consent Calendar**

**MOTION:** MOVED, SECONDED (NUTT, DEAN) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE CONSENT CALENDAR.

There being no further business, the meeting adjourned at 8:47 p.m.

(Signed) Chuck Winn

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Chairman

ATTEST:

(Signed) Jeanne D. Hall

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Deputy City Clerk