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# Ripon City Council Minutes

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## RIPON COMMUNITY REDEVELOPMENT AGENCY

TUESDAY, NOVEMBER 17, 2009 - 7:00 P.M.

**CLOSED SESSION:** (Canceled after the agenda was posted.)

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

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

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

**OTHERS PRESENT:** City Administrator Leon Compton, City Attorney Tom Terpstra, City Engineer Kevin Werner, Planning Director Ken Zuidervart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Richard Bull, City Clerk Lynette Van Laar, Deputy City Clerk Jeanne D. Hall, Information Systems Technician Dan Brannon, Karena Stephens, Jackie Starkey, Alanna Grassi, Kahla Joekema, Corey Joekema, John DeDonatis, Vanessa Aceres, Arism~~ Alveredo, Kayla Ellis, Cameron Santana, Mariah Menezes, Liberty Cains, Serena Hertel, Jacob Lawson, Tiana Rico, Jesika Esquivy, Matt, Aileen Orona, Kaitlyn Milam, DeeAnn Kirpatrick, Luke Hobbs, Danielle Pierce, Gert Isaia, Mike Garcia, Steve Mayo, John Atherton, Judy Loogman, Dustin Everett, Renae McFadden, Leo Zuber, Kelli O’Day, Ruben G~~, Kaitlyn Kichefski, Kayla Fernandes, Kyle Eisenga, Laurio Ruth, Andrew Mouleyn, Matt Meadows, Devon Hooper, Mary Timothy Abraham Parra Hart Yoshida.

**PUBLIC DISCUSSION:** Leo Zuber asked about a budget update. City Administrator Compton said he would present the figures during Reports.

**APPROVAL OF MINUTES:** **MOTION:** MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING OF NOVEMBER 3, 2009.

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

**CONSENT CALENDAR**

**Notes:**

**1. Income**

A. STATE OF CALIFORNIA	
Highway Users Tax	<b>\$18,179.01</b>
B. GILTON SOLID WASTE	
Franchise Fee	<b>\$8,360.67</b>
C. T-MOBILE	
Base Rent	<b>\$776.87</b>
D. AT&T	
Acacia Avenue Lease	<b>\$839.17</b>

**2. Bills, Invoices, Payments**

A. CAVES & ASSOCIATES	
Professional Services	
Progress Payment	<b>\$1,468.00</b>
B. ROSS F. CARROLL, INC.	
Main Street/Stockton Avenue Rehab Project	<b>\$13,030.96</b>
C. MUNICIPAL FINANCIAL SERVICES	
Consulting Services	<b>\$2,090.00</b>
D. VAUGHAN CONSTRUCTION	
Storm Drain Line on Wilma Avenue	<b>\$18,014.78</b>

**CONSENT CALENDAR:**

**3. Resolutions**

A. RESOLUTION NO. 09-78

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF RIPON TO QUALIFY FOR THE  
CALIFORNIA ENERGY COMMISSION'S  
ENERGY EFFICIENCY AND CONSERVATION  
BLOCK GRANT FUNDS TO THE  
CITY OF RIPON

This resolution authorizes the submittal  
of an application to the California  
Energy Commission for funds to be  
used for:

- 1) The Police Department dispatch air-conditioning system
- 2) The old library building
- 3) The street lighting retrofit project

**4. Miscellaneous Items**

A. ACTIVALLIANCES

Advertising Services Agreement  
Mistlin Park

Consider an agreement with  
ActivAlliances to negotiate with third-  
party businesses for advertising signs  
to be displayed at Mistlin Sports Park.

**☪ End of Consent Calendar ☪**

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

**5. PUBLIC HEARINGS**

**Notes:**

A. SAN JOAQUIN MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN

Development Fee Amendment 2010

This is a public hearing to consider the development fee amendment for the San Joaquin County Multi-Species Habitat Conservation and Open-Space Plan (SJMSCP) for all new development pursuant to the SJMSCP within the City of Ripon.

Planning Director Zuidervaart presented his report for the 2010 development fee update as adjusted pursuant to land sale comparables and consumer price index. He stated that the fees have increased by 3.6%.

**PUBLIC HEARING OPENED**

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

**PUBLIC HEARING CLOSED**

**MOTION:** MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO ACCEPT THE REPORT.

**6. RESOLUTIONS**

A. RESOLUTION NO. 09-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEE

This resolution amends the habitat fees for development projects. The fees will be effective on January 16, 2010.

**MOTION:** MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE RESOLUTION NO. 09-79.

7. ORDINANCES

Notes:

*Second Reading and Adoption*

A. ORDINANCE NO. 778

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
ADOPTING CHAPTER 9.36 OF TITLE 9  
OF THE RIPON MUNICIPAL CODE

This is an ordinance adding Chapter 9.36 to the Ripon Municipal Code entitled "Regulation of Sex Offenders Relative to Locations Where Children Congregate."

**MOTION:** MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY THE FOLLOWING VOTE TO WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 778.

AYES: Nutt, Krebbs, Gay, Uecker, Winn  
NOES: None  
ABSENT: None  
ABSTAIN: None

**8. DISCUSSION ITEMS**

**Notes:**

A. CHANDLER & ASSOCIATES

Presentation  
*No Action*

This is a presentation by Chandler Asset Management giving an economic update and the investment performance for the City of Ripon as part of the Central San Joaquin Valley RMA Pool.

Marty Eassell, Chandler & Associates, gave a presentation about the City of Ripon investments. He explained that Ripon's investments are performing above the benchmark, and well above LAIF.

B. RIPON ROTARY CLUB

Waiver of Fees  
*Discussion/Action*

The Ripon Rotary Club requests that the fees be waived for their annual fund-raiser. (Resolution No. 08-55 provides that nonprofit organizations are granted a single, half-price use of the Community Center each year.)  
(Half-Price Fee: \$560.00)

Mike Garcia, Ripon Rotary Club, said that the Council has waived the Community Center rental fees in the past years, and he requested that the Council waive the fees again this year.

Mayor Winn said that he and Council Member Uecker are members of the Rotary, so they will abstain from the vote.

Council Member Krebbs asked how many non-profit groups use the Community Center, and said that if we waive the fees, that we may receive the same request from other groups.

City Administrator Compton reminded the Council that just a few months ago, they voted to not offer any more free uses of the Community Center, but that non-profits would get a half-price use.

Council Member Gay said that just because the Council made a decision in the past doesn't mean the Council can't change the policy. He said that the fee should be waived for the Rotary Club.

Vice Mayor Nutt said that waving fees should be on a case-by-case basis, but he wants to recognize the contributions made by the Rotary Club. He said that the City is not losing any money by letting them use it for free.

Krebbs said that there are different types of non-profits, and we need to revisit the list of non-profits because the Rotary Club and the Lions Club should get it for free. But for the other non-profits, this should be decided on a case-by-case basis.

**8. DISCUSSION ITEMS, continued:**

City Clerk Van Laar explained that the fee under discussion includes the \$100 hostess fee.

Krebbs said that Council should waive all the fee except for the hostess fee because someone has to pay that fee..

**MOTION: MOVED, SECONDED (GAY, KREBBS) AND CARRIED BY A VOTE OF 3-0 (WINN, UECKER ABSTAINING) TO WAIVE THE FEE FOR THE USE OF THE COMMUNITY CENTER AND FOR THE CITY TO PAY THE HOSTESS FEE FOR THE ROTARY CLUB.**

**C. REIMBURSEMENT REQUEST**

Pre-paid Development Fee  
1001 Warren Road  
Owner: Ted Madze  
*Discussion/Action*

At the request of the property owner, consider terminating his pre-payment agreement for the purpose of reimbursing the pre-paid development fees.  
(Fee Paid: \$183,295.80)

Planning Director Zuidervaart introduced his report stating that the property owner prepaid his development fees in 2005. In 2005, the Engineering Department informed many property owners that the fees would make a large increase in 2006 and by prepaying the fees, they could avoid the impending increase. Madze has not developed his property, and would now like his money refunded.

Zuidervaart said that staff recommends that the request be denied.

City Attorney Terpstra said that he has prepared a Development Impact Fee Refund Agreement.

Council Member Uecker said that the decision to prepay the fees was to save money and it was to the property owner's advantage to do this.

Vice Mayor Nutt asked what precedents would be set if we refund the money.

City Administrator Compton said that if this becomes policy, it may come back to bite us. He said the money goes into a pool which the City uses for new infrastructure.

Vice Mayor Nutt said that if the fees are already paid, the property is more marketable.

Compton agreed saying that the property is more likely to develop.

Mayor Winn said that a vote on one piece of property is not a policy. It may be a precedent, but we can look at these requests on a case-by-case basis.

Terpstra said that there are other considerations. He said that many payments are hard to track down, and the real problem is if it becomes unclear where the money came from. Did the money come from the property owner or a lender.

**8. DISCUSSION ITEMS, continued:**

Ted Madze, Danville, owner of 1001 Warren Road, said he paid the fees to be locked in at a lower price point. He said he thought the fee could go to a different parcel if he didn't develop this one. He said he understands if there are reimbursement expenses.

Council Member Gay said that we should work with property owners if we have not spent the money yet.

Council Member Uecker said that having the fees already paid is an asset.

Zuidervaart said that the property owner's investment has appreciated.

Nutt asked if prepaying development fees is a regular policy or was it a special situation.

Terpstra said that a large fee increase was coming and the City wanted to help the developers out. He said that this is a situation where no good deed goes unpunished. He also said that the fees were calculated per the acreage of the property.

Nutt said that if the fee is refunded and then the property sells, the new owner would have to pay the new fees.

Madze said that it wasn't clear what would happen if he didn't develop the property. He said the thought the fee paid could be moved to other property.

Uecker asked if Madze was misled.

Compton said that staff tries to not mislead anyone. He said that some people hear what they want to hear.

Uecker asked if the fee paid can be moved to another piece of property.

Compton said that Council can do what it wants. He said that the paid fees go into the right fund. To plan for a reimbursement, the fees would have to be tracked. There also needs to be a paper trail.

Terpstra said that there is a Notice of Default on this property, and there is the potential that the lender could come after the rebate. He said that this is an unusual situation and we would need everyone to sign off, including the lender.

Mayor Winn asked for a motion. The matter died for lack of a motion.

Winn said that the Council needs to revisit the issue to write a policy.

Terpstra said he is working on a policy. He said it is the City's responsibility to guard the public purse. We need the ability to track the funds if you should decide to allow prepayment in the future.

**8. DISCUSSION ITEMS, continued:**

**D. CHANGE HISTORIC SIGNS**

Down Town Committee  
*Discussion/Action*

Consider changing the date on the historic signs from "Incorporated in 1945" to "Established in 1874."  
(Cost uninstalled: \$1,234.05)  
(Cost installed: \$1,574.04)

Council Member Gay left the room.

Mayor Winn said that the request came from John Mangelos. He said that he is asking for authorization to change the sign, and to accept private funds to pay for the new sign.

Vice Mayor Nutt said he has mixed feelings. The City formed a Council and began operating as a city in 1945. This was supported by the Chamber.

Winn said that the new date is the date the downtown was created. He said that the Historical Commission feels that the 1874 date is more accurate.

Council Member Uecker asked why this is coming up now. He added that we could just add another sign under the current one.

Council Member Krebbs asked if adding a sign would meet the height level for trucks.

Danielle Pierce, Ripon, said that when the arches were proposed, she assumed that all ideas were considered. She said that the City should leave the sign alone. Don't spend money unnecessarily when the date on the sign is a correct date.

Uecker said that many people have complained about the sign, but he agrees with Pierce.

**MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 3-1 (WINN - NO, GAY-ABSENT) TO APPROVE LEAVING THE SIGN ALONE.**

Council Member Gay returned to the meeting.

## **REPORTS**

**City Administrator:** Compton presented a budget update saying that expenditures are down from last year. The problem is that revenue is down even more and there is a total deficit of \$910,990.00. He said he predicts a \$1.5 million deficit by the end of the fiscal year if things continue. He said that this is a very serious situation. He said the City has cut everything we can, and we are down to cutting people and benefits. This is not good news.

Council Member Uecker said that Council needs help from staff to know who to cut.

Compton said that staff gave Council a list last year of what needs to be cut. He said that Council needs to make the cuts.

Council Member Gay said he needs to know what positions are most crucial. He said he wants specific recommendations.

Compton said that different employees cost different amounts. Not all salaries come out of the General Fund. Council can cut a few people and make a big impact, or cut a lot of people and make a few small impacts.

Vice Mayor Nutt said that Council has looked at this before.

Council Member Krebbs said he wants staff to come back with plans for 1) increasing furloughs to 10%; 2) offering early retirement; 3) doing layoffs.

Compton said that staff needs policy direction. Public Works may not agree to more furloughs, and the Police Department has said that they will not agree to more furloughs. He said that furlough days are a good option, but we need more.

Krebbs said staff needs to give Council the options. He asked what percent we need to cut.

Compton said that we need a workshop and to do this as a team. He said he wants this done before the end of the year.

**City Attorney:** No Report

**City Engineer:** No Report

**Planning Director:** Zuidervaart said that the San Joaquin Council of Governments will present a regional blueprint workshop, and he will be attending.

**Recreation Director:** No Report

**Director of Public Works:** No Report

**Chief of Police: Bull** announced that **Officer Scott Lindsay** has been chosen to receive the Inter-Service EMS Recognition Medal for providing life-saving treatment on January 27, 2009. The award will be given on December 2 at the Marine's Memorial Club in San Francisco. Bull said he has never seen an officer receive this award before. He said he is proud of Officer Lindsay.

**City Council:** No Reports

There being no further business, the meeting adjourned at 8:48 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 9:05 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, NOVEMBER 17, 2009

## AFTER COUNCIL MEETING

**ROLL CALL:** Directors Charlie Gay, Dean Uecker, Garry Krebbs, 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, Karena Stephens, Jackie Starkey, Alanna Grassi, Kahla Joekema, Corey Joekema, John DeDonatis, Vanessa Aceres, Arism~~ Alveredo, Kayla Ellis, Cameron Santana, Mariah Menezes, Liberty Cains, Serena Hertel, Jacob Lawson, Tiana Rico, Jesika Esquivy, Matt, Aileen Orona, Kaitlyn Milam, DeeAnn Kirpatrick, Luke Hobbs, Danielle Pierce, Gert Isaia, Mike Garcia, Steve Mayo, John Atherton, Judy Loogman, Dustin Everett, Renae McFadden, Leo Zuber, Kelli O’Day, Ruben G~~, Kaitlyn Kichefski, Kayla Fernandes, Kyle Eisenga, Laurio Ruth, Andrew Mouleyn, Matt Meadows, Devon Hooper, Mary Timothy Abraham Parra Hart Yoshida.

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

**APPROVE THE MINUTES: MOTION:** MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE REDEVELOPMENT AGENCY MEETING OF NOVEMBER 3, 2009.

### 1. **PUBLIC HEARING**

#### A. RIPON COMMUNITY REDEVELOPMENT PROJECT

5-year Implementation Plan  
2010 - 2014

This is a public hearing to consider the  
2010 - 2014 Implementation Plan for the  
Ripon Community Development Project.

Planning Director Zuidervaart introduced his report into the record. He said that the Council is not approving any projects tonight.

City Attorney Terpstra said that Fire Chief Bitters questioned the need for code enforcement and fire protection in this plan. Terpstra explained that they were included as functions that the City could do, but that they will not necessarily do. The functions are inclusive – not exclusive.

**PUBLIC HEARING OPENED**

Leo Zuber, Ripon, said he has the same concerns that he expressed in August. He said that the implementation plan establishes the existence of blight, but the plan does not fix the blight.

City Engineer Werner said that it is a matter of funding. We have a little bit of money, and a lot of roads need funding.

Mayor Winn said that a lot of projects have been delayed because of a lack of funding. He said that we don't know what the state is going to do. He said that this is just a document to allow us to do projects.

Terpstra said that if you accept Zuber's argument at face value, then it makes sense. He said he does not accept the argument at face value. The finding have been made and not challenged. These are programs that spur investment. There are a number of plans that were successful. The plan was adopted and it passed the legal challenge.

Vice Mayor Nutt said that the plan is a wish list of projects.

**PUBLIC HEARING CLOSED**

**MOTION: MOVED, SECONDED (KREBBS, GAY) AND CARRIED BY A VOTE OF 5-0 TO ACCEPT THE REPORT.**

**2. RESOLUTIONS**

A. RESOLUTION NO. 09-17

A RESOLUTION OF THE RIPON  
REDEVELOPMENT AGENCY ADOPTING  
ITS 2010-2014 IMPLEMENTATION PLAN  
FOR THE RIPON COMMUNITY  
REDEVELOPMENT PROJECT

This is a resolution to adopt the 2010 -  
2014 Implementation Plan for the Ripon  
Community Redevelopment Project.

**MOTION: MOVED, SECONDED (GAY, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE RESOLUTION 09-17.**

There being no further business, the meeting adjourned at 9:05 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk