
Ripon City Council Minutes

TUESDAY, DECEMBER 1, 2009 - 7:00 P.M.

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

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

Absent: Council Member Charlie Gay

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

IN THE MATTER OF:

1) Closed Session pursuant to Government Code Section 54957.6 to instruct negotiator(s) meeting with represented and unrepresented employees-Discussion of agency’s available funds and funding priorities-Discussion item.

2) Conference with Legal Counsel pursuant to §54956.6 of the California Government Code regarding Ripon Farm Service.

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

REGULAR MEETING

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: Pastor Chuck Roots gave the invocation.

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

Absent: Council Member Charlie Gay

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, Michael Page, Les & Margaret Eastburg, Gerry Nies, Ryan Olivas, John Beckman, Lisa Suender, Kayla Ellis, Cameron Santana, Sheryl Prater, DeeAnn Kirkpatrick, Wally & Pam Hartley, Rick Newland, Pat Thistle, Andy Varian, Paul Vander Veen, Lisa Roos, Kahla Joekema, Corey Joekema, Nichole Bennett, Kara Hippert, Matt Fields, Aileen Orona, Jacob Carlson, Navroop Cheema, Jake Morino, Steven Kestyus, Stephanie Hobbs, Luke Hobbs, Chelsye Hoerth, Matt Meadows, Rebecca Hahn, Chuck Roots, Dave Crum, Kaylee O’Brien, John Atherton, Judy Loogman,

Andrew Moulyn, Brandon Hickston, Ruth ~~, Leo Zuber, Megan Ratto, Tiana Rico, Sereena Hertel, Allen Van Slyk, Jack McGouhey, Alex Gonzalez.

PUBLIC DISCUSSION: Margaret Eastburg, Ripon, said that the trees and the on-ramp at Jack Tone Road and Highway 99 are blocking the view and need to be trimmed before there is an accident.

APPROVAL OF MINUTES: MOTION: MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING OF NOVEMBER 17, 2009.

APPROVAL OF AGENDA AS POSTED (OR AMENDED):

Mayor Winn pulled Item 3A from the Consent Calendar for discussion.

Mayor Winn tabled Item 7B.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE THE AGENDA AS AMENDED.

CONSENT CALENDAR

Notes:

1. Income

A. STATE OF CALIFORNIA

Retail Sales Tax **\$130,300.00**

B. COUNTY OF SAN JOAQUIN

Ripon Lighting \$7.00

General Fund \$17,868.98

TOTAL **\$17,875.98**

C. RUDY BONZI, INC.

Franchise Tax Fees
September \$240.86

October \$630.14

TOTAL **\$871.00**

D. CHARTER COMMUNICATIONS

Quarterly Franchise Fee
July - September **\$19,475.85**

E. SPRINT NEXTEL

Ground Lease **\$419.28**

2. Bills, Invoices, Payments

A. INTERWEST CONSULTING GROUP

Transportation Planning
Progress Payment **\$562.50**

CONSENT CALENDAR:

2. Bills, Invoices, Payments, continued:

B. STOCKTON-SAN JOAQUIN COUNTY LIBRARY

Additional Branch Hours **\$30,658.63**

3. Resolutions

A. RESOLUTION NO. 09-80 *Item 3A was pulled for discussion.*

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
AUTHORIZING THE MAYOR TO EXECUTE
A CERTIFICATE OF ACCEPTANCE FOR
DEDICATION OF REAL PROPERTY
(PORTION OF ASSESSOR'S
PARCEL NO. 257-270-44)

This resolution authorizes the Mayor to sign the Certificate of Acceptance for property owned by the Eastburg Trust to be developed in the future as a storm drainage basin.

4. Miscellaneous Items

A. CLAIM

Debby Martin Deny the claim filed by Debby Martin.
(Claim: \$100.00)

B. INVESTMENT POLICY

Quarterly Review Accept the investment Policy quarter
review for July through September 2009.

🍷 End of Consent Calendar 🍷

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE THE CONSENT CALENDAR.

Discussion on Item 3A:

City Attorney Terpstra stated that this is a standard resolution. The property is a six-acre parcel and the city is required, under the agreement with Braddock & Logan, to purchase the property.

Discussion on Item 3A, continued:

Margaret Eastburg, Ripon, asked that this item be postponed for a month because she has concerns. She asked how they go forward after the City accepts the dedication and who is responsible for what.

Mayor Winn said that the City will be the owner of the property and any further use of the property will be negotiated with the City.

Terpstra said that the City can continue the current lease agreement if the Council chooses to do that. The City will want the property maintained and will hold discussions with the tenant farmer.

Eastburg said that they will need access to water.

Winn said that until the City owns the property, we cannot negotiate. He said that they do not want to deny access to water.

Eastburg said that this statement is in general terms and that makes her uneasy.

Winn said she can contact him, or the City Attorney, or staff. The issue will eventually come back to Council to work out her concerns.

Terpstra said that three years ago, Braddock & Logan bought the property from the Eastburgs. He said that the City does not know what that agreement says about water.

Council Member Uecker said he doesn't believe there will be any changes, but he can't promise anything. He said that this resolution is just a procedure.

Les Eastburg, Ripon, said that a pipeline goes through the property.

Winn said that until we see the original agreement with Braddock & Logan, we cannot answer his question.

Les Eastburg said that Braddock & Logan agreement is done. Can the City undo it?

Terpstra said that the Eastburgs sold the property three years ago and the water issue should have been handled at that time. He said that the City can try to mitigate the issue. He said that City will do the best we can after the fact.

Winn said that staff is willing to sit down with the Eastburgs and discuss it.

Winn asked about the requirements in the agreements.

Andy Byde, Braddock & Logan, said that the development agreement has several items that must be dealt with. First is the dedication, which has been their main focus. Second, is the mesh system and the radar signs. He said that these requirements can be resolved. He said that their company will meet all the requirements and will live up to their commitments.

Winn said he wanted to be sure that those demands will be met.

Discussion on Item 3A, continued:

Terpstra said that the agreement speaks for itself in the language “not to exceed cost.” He said that the Police Department will use those funds for the radar speed signs. They need a commitment that the requirements will be met. These items must be satisfied before the close of escrow. The property is in escrow at this time and the purchase could be final by the end of the year.

MOTION: MOVED, SECONDED (KREBBS, NUTT) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE RESOLUTION NO. 09-80 WITH THE STIPULATION THAT BRADDOCK & LOGAN WILL SATISFY ALL REQUIREMENTS BY THE CLOSE OF ESCROW.

5. **PUBLIC HEARINGS**

Notes:

A. AB1600 REPORT

Annual Report

This is a public hearing on the annual report of capital fees covered under government code section 66000 et seq.

City Clerk Van Laar said that fees are collected in a capital account and the report shows the expenditures.

John Beckman, CEO, Building Industry Association of the Delta, asked that this item be continue in order for the City to fully meet the requirements of the Government Code Section 66006(b)(1).

City Attorney Terpstra said he remembers that the BIA requested notice in April. He said that this Public Hearing can be postponed until the next meeting on December 15.

MOTION: MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO CONTINUE THE PUBLIC HEARING TO DECEMBER 15, 2009.

6. RESOLUTIONS

Notes:

A. RESOLUTION NO. 09-81

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON IN
SUPPORT OF THE LOCAL TAXPAYER,
PUBLIC SAFETY AND TRANSPORTATION
PROTECTION ACT OF 2010

This resolution supports the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 for the purpose of closing loopholes and change the state constitution to further prevent state politicians from taking or interfering with tax revenues dedicated to funding local government services.

Mayor Winn said that the Secretary of State has enough signatures to place this Act on the November 2010 ballot. He stated that the State of California has repeatedly taken funds due cities and redevelopment agencies to try to balance the state budget. He said that we need to protect our revenue to maintain our service levels.

MOTION: MOVED, SECONDED (KREBBS, UECKER) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE RESOLUTION NO. 09-81.

7. DISCUSSION ITEMS

Notes:

A. CITY BUDGET

Discussion/Action

Consider the current City Budget and any necessary amendments or recommendations for the purpose of reaching a balanced budget.

City Administrator Compton said the City is seriously short of revenue and we need to take action. He asked for direction from the Council – he requested a target of dollars to trim and what process to use to meet that goal.

Council Member Nutt said that we need to address this now and not put it off any longer.

Mayor Winn appointed a committee of himself and Council Member Nutt to come back on December 15 with direction.

MOTION: MOVED, SECONDED (WINN, UECKER) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE APPOINTING WINN AND NUTT TO A COMMITTEE TO DETERMINE THE AMOUNT TO BE CUT FROM THE CAPITAL FUNDS EXPENDITURES, AND THE PROCESS TO MEET THAT GOAL.

Compton asked for that target amount.

Nutt said the target is to balance the budget.

Mayor Winn showed a PowerPoint Presentation on the budget issue. Winn said that we need to sustain ourselves and keep services running.

Mayor Winn asked for comments from the public.

Paul Vander Veen, Ripon, said that last June the deficit was \$300,000 and the Mayor was to keep the public apprised of why that budget could not be met.

Winn said the budget projections are not an exact science. The latest numbers from October showed an increased deficit. The projections are for the next eight months, so we need a contingency plan.

Compton said that if the trend continues like it is now, the City could face a deficit of \$1.5 to \$2 million by the end of the fiscal year.

Vander Veen asked how much is still in reserves.

Winn said about \$2.8 million. He said that when it comes to cuts in expenditures, it is easy to talk about money, but we are talking about people.

Vander Veen asked when the committee will meet.

7. DISCUSSION ITEMS, continued:

Winn said they will meet before the December 15 Council meeting. He stated that if the City cuts too much, what happens to the employees if we found we cut too many.

Leo Zuber, Ripon, asked if the committee meeting will be open to the public.

Terpstra said that only two member of the Council are on the committee, so that is not a quorum. He said it is an ad hock committee and it will not be a public meeting.

Zuber asked for further explanation of the of how we got to where we are from just a \$300,000 deficit.

Winn said the City has done many reductions in spending since we recognized the deficit. Every department is making every effort to reduce costs.

Zuber said that revenue is running below expenditures. The budget is \$1.5 to \$2 million out of balance, and you need sufficient reductions to bring the budget into balance.

Council Member Krebs asked for an explanation of why the City's revenue is down.

Compton said that the problem is wide spread. We would normally expect \$3 million is sales tax, but that will end up being from 30% to 50% lower this year. Property tax is down and the transfer tax is down. There are no projects, so engineering revenue is off. We use to get \$1.5 to \$2 million in building permits, but we may get \$100,000 this year. Also, the state is taking money. We are being hit from every direction, and so is every other city in California.

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| <p>B. SICK LEAVE PAYOUT</p> <p>Annual Cash-out Option
February 2010
<i>Discussion/Action</i></p> | <p><i>Item 7B was tabled.</i></p> <p>In 2010, suspend the annual option for employees to cash out a portion of their sick leave.</p> |
| <p>C. WATER METER RATES</p> <p>Letter to City's Residents
SA 2572
<i>Discussion/Action</i></p> | <p>Approve the letter to be sent to City residents giving notification of the new billing rate, which will begin in 2011.</p> |

City Engineer Werner explained the notification process, and said that there is information on the City web page about how to conserve water.

Item 7C was approved by a consensus of the Council.

7. **DISCUSSION ITEMS, continued:**

D. ONE-VOICE TRIP 2010

Proposed Projects

1) Regional Transportation Project: Bike path connecting Ripon to the Manteca Tidewater Bikeway.

2) Local Priority Project: Pipeline for future connection to the Nick DeGroot Water Treatment Plan.

Discussion/Action

Authorize the Mayor to sign the endorsement form for each project and direct staff to proceed.

City Engineer Werner stated that these are the same projects as last year.

Item 7D was approved by a consensus of the Council.

REPORTS

City Administrator: No Report

City Attorney: Terpstra reported on the Closed Session. He said that they discussed funding related to the budget crisis and the unions. No direction was given.

City Engineer: No Report

Planning Director: No Report

Recreation Director: No Report

Director of Public Works: No Report

Chief of Police: Bull said that they received \$130,000.00 in Officer and Traffic Safety grants.

City Council: Uecker said that the annual tree lighting was great – better than the one in San Francisco.

Vice Mayor Nutt said that the annual Taste of Ripon will be a great evening. He also said that he watched the DUI station in Ripon and he said that it was very impressive.

There being no further business, the meeting adjourned at 8:03 p.m.

(Signed) Chuck Winn

Mayor

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

Ripon Community Redevelopment Agency Minutes

TUESDAY, DECEMBER 1, 2009

AFTER COUNCIL MEETING

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

Absent: Director Charlie Gay

OTHERS PRESENT: Executive Director Leon Compton, City Engineer Kevin Werner, City Attorney Tom Terpstra, Secretary Ken Zuidervaat, 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, Michael Page, Les & Margaret Eastburg, Gerry Nies, Ryan Olivas, John Beckman, Lisa Suender, Kayla Ellis, Cameron Santana, Sheryl Prater, DeeAnn Kirkpatrick, Wally & Pam Hartley, Rick Newland, Pat Thistle, Andy Varian, Paul Vander Veen, Lisa Roos, Kahla Joekema, Corey Joekema, Nichole Bennett, Kara Hippert, Matt Fields, Aileen Orona, Jacob Carlson, Navroop Cheema, Jake Morino, Steven Kestyus, Stephanie Hobbs, Luke Hobbs, Chelsye Hoerth, Matt Meadows, Rebecca Hahn, Chuck Roots, Dave Crum, Kaylee O’Brien, John Atherton, Judy Loogman, Andrew Moulyn, Brandon Hickston, Ruth ~~, Leo Zuber, Megan Ratto, Tiana Rico, Sereena Hertel, Allen Van Slyk, Jack McGouhey, Alex Gonzalez.

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

APPROVE THE MINUTES: MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE THE MINUTES OF THE REDEVELOPMENT AGENCY MEETING OF NOVEMBER 17, 2009.

CONSENT CALENDAR

1. Bills, Invoices, Payments

A. URBAN FUTURES

Five-Year Implementation Plan

Invoice #0909-014	\$815.88
Invoice #0909-034	\$2,576.25
Invoice #0909-034	\$4,151.25
Invoice #1009-033	\$792.50
Invoice #1109-030	\$1,453.30

TOTAL

\$9,789.18

CONSENT CALENDAR, continued:

1. Bills, Invoices, Payments, continued:

B. URBAN FUTURES

Professional Services
AB 1389 Report

\$1,000.00

2. Miscellaneous Items

A. CALIFORNIA REDEVELOPMENT ASSOCIATION (CRA)

Legal Defense Fund

Approve the payment of the CRA fee for the legal defense fund in support of the lawsuit against the State's attempt to seize redevelopment funds to balance the state budget.
(CRA fee: \$250.00)

End of Consent Calendar

MOTION: MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 4-0 (GAY ABSENT) TO APPROVE THE CONSENT CALENDAR.

There being no further business, the meeting adjourned at 8:04 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk