
Ripon City Council Minutes

RIPON COMMUNITY REDEVELOPMENT AGENCY

TUESDAY, APRIL 7, 2009 - 7:00 P.M.

CLOSED SESSION: The meeting was called to order at 6:15 p.m.

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 Engineer Kevin Werner, City Attorney Tom Terpstra, City Clerk Lynette Van Laar

IN THE MATTER OF:

- 1) Property Negotiations pursuant to §54956.8 of the California Government Code
APN: 259-01-004
- 2) Conference with Legal Council pursuant to §54956.9 of the California Government Code
Ripon Farm Service

There being no further business, the meeting adjourned at 6:55 p.m.

REGULAR MEETING

PLEDGE OF ALLEGIANCE: The meeting was called to order as indicated at 7:00 p.m. with Vice Mayor Nutt leading in the Pledge Allegiance to the Flag

INVOCATION: Rev. Lloyd Wicker 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 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, Rick Newlun, Miguel Garcia, Robyn Udair, Kelsey Dahlin, Kirsten Duren, Ashley Hofman, Traci Hollingsworth, Camila Swecrez, Michael Merchant, Efren Sifuentes, Justin Brooks, Ben Willey, Kate Lynn Bickle, Bruce Hekman, Cielo Dela Cruz, Hilary Bennett, Victoria Nielsen, Katie Burlson, Jake Loogman, Trina Kahan, Carie Huerta, Ivan Flores, Ashlyn Cornilsen, Pam Hartley, Denisse Inzunza, Johnathon Lindsay, Kari Howard, Navid Fardanesh, Alicia DeJong, Cynthia Nunes Alana Snelling, Stephen Wells, Paul Staley, Cristian Rodriguez, Kyndra Swier, Carlos Chavez, Bob Madsen Mike Ton, Ariel Anaya.

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

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 MARCH 17, 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	
Retail Sales Tax	\$2,125.82
B. T-MOBILE	
CPI- Base Rent	\$776.87
C. AT&T	\$839.17

2. Bills, Invoices, Payments

A. CHANG RUTHENBERG & LONG	
Professional Services	\$750.00
B. STOCKTON-SAN JOAQUIN COUNTY LIBRARY	
Intergovernmental Partnership Program	This contribution will be paid by the "Friends of the Library"
	\$20,000.00
C. KINETICO WATER SYSTEMS	
Well No. 12 - Nitrate Removal Pilot System Equipment Purchase	\$5,387.50
D. THOMAS H. TERPSTRA – LAW	
General	\$17,252.50
Police Department Matters	\$1,504.00
	<hr/> <hr/>
	TOTAL
	\$18,756.50

CONSENT CALENDAR:

2. Bills, Invoices, Payments, continued:

E.	VAUGHAN CONSTRUCTION		
	Handicap Ramp 2009 Project		
	Progress Payment	\$7,732.80	
	Ripona Elementary School - LED crosswalk, signs		
	Progress Payment	\$27,417.60	
		TOTAL	\$35,150.40
F.	ROSS F. CARROLL		
	Main Street/Stockton Avenue Rehab Project		
	Progress Payment		\$266,031.00
G.	ROSS F. CARROLL		
	Mistlin Sports Park - Parking Lots		
	Progress Payment		\$90,723.76
H.	DAMON S. WILLIAMS ASSOCIATES		
	Well No. 12 - SMI		
	Progress Payment		\$2,980.20
I.	LSC TRANSPORTATION CONSULTANTS, INC.		
	Short-Range transit Plan		
	Progress Payment		\$3,154.58
J.	INTERWEST CONSULTING GROUP		
	Transportation Planning		
	Progress Payment		\$1,018.75

CONSENT CALENDAR:

2. Bills, Invoices, Payments, continued:

K. ECO:LOGIC		
WWTP Alternative Plant Analysis	\$16,053.50	
Report of Waste Discharge	\$366.75	
WWTF Industrial BPTC	\$420.50	
	<u>TOTAL</u>	\$16,840.75
L. OMNI-MEANS		
Wilma Avenue Roundabout Progress Payment		\$4,527.68
M. RMC WATER AND ENVIRONMENT		
Water System Model Development Progress Payment		\$1,409.97
N. CUNNINGHAM & SONS, INC.		
Handicap Ramp Construction 2007	Release of retention funds.	\$7,575.00
O. STOCKTON-SAN JOAQUIN COUNTY LIBRARY		
Charges for Additional Hours	\$36,980.31	
Furlough Reductions	<u><\$6,874.54></u>	
		\$30,105.77

CONSENT CALENDAR, continued:

3. Resolutions

A. RESOLUTION NO. 09-25

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIPON APPROVING THE
DISADVANTAGED BUSINESS
ENTERPRISES IMPLEMENTATION
AGREEMENT (EXHIBIT 9-A) FOR
FEDERAL FISCAL YEAR (FFY) 2008/2009

This resolution approved the DBE Implementation Agreement for fiscal year 2008/2009.

4. Miscellaneous Items

A. PADILLA & ASSOCIATES

Disadvantaged Business Enterprise Program
FFY 2009-2010 Cost: \$6,120.00

Development of 3 contract-specific goals for
FFY 2008-2009 Cost: \$750.00 each

Development of 3 contract-specific goals for
FFY 2009-2010 Cost: \$750.00 each

Approve the proposal to prepare the required Annual Anticipated Disadvantaged Business Enterprise Participation Level for FFY 2009-2010, and the development of Contract Specific Goals for applicable Federal Stimulus Projects in accordance with Caltrans' recently published policy directives, and authorize staff to proceed.

B. AGREEMENT FOR SPECIAL SERVICES

Caves & Associates
Labor Relations and Personnel Management
Discussion/Action

Authorize the City Administrator to sign the agreement with Caves & Associates to provide consulting services for labor relations and personnel management issues. (Cost: \$150.00/hour)

CONSENT CALENDAR:

4. Miscellaneous Items, continued:

C. WEST COAST NETTING - NOTICE OF COMPLETION

Mistlin Sports Park
Baseball Netting

Approve the final acceptance of the baseball netting project, and direct staff to file a Notice of Completion with retention payment (\$20,925.12) to be paid 35 days after recording.

D. ROSS F. CARROLL, INC.

Main Street/Stockton Avenue Rehab Project
Change Order No. 24

Approve Change Order No. 24 to replace the existing pipeline on Stockton Avenue. (Cost not to exceed: \$95,000.00)

☞ End of Consent Calendar ☞

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

5. DISCUSSION ITEMS

Notes:

A. DESIGN CRITERIA / GUIDELINES

Downtown District (C3 Central Business District) Urban Core Area (R1UC Single Family Urban Core) <i>Discussion/Action</i>	Provide direction to the Planning Commission regarding the feasibility and desire to pursue design criteria/guidelines for the Downtown District and the Urban Core District.
--	---

Planning Director Zuidervaart said that, at the March 10 Planning Commission meeting, the Commissioners discussed the desire to pursue design standards for the central business district and the urban core residential district.

Council Member Gay said that this is an excellent idea.

Council Member Krebbs said that during his time on the Planning Commission, there was always a fight with builders on their designs because there were no standards for that area. He said it is not fair to not have any standards, and then argue about their design. Having design criteria will make the process faster. Krebbs added that the design criteria should not make the costs increase, but is a way to inform people of the 1940's era designs.

Vice Mayor Nutt said it is a good idea for the downtown businesses, but not for the residential area. He said he does not want the standards to be too restrictive or too controlling.

Council Member Uecker said he agreed with Council Member Nutt. He said he would like to consider the idea that was brought up some time ago, about building new fronts on all of the downtown businesses.

Mayor Winn said he would want to insure that all commercial and residential designs fit the area. Not to settle for designs that are cheaper or more convenient. He said he does not want to scare away businesses with a lot of new restrictions, but the area between Vera and Stockton Avenue should have its own set of standards.

Winn set up a committee of two council members and two Planning commissioners to create a set of guidelines. He directed Planning Director Zuidervaart to get design examples and ordinances from other cities to begin with. The committee will send their recommendations to the Planning Commission for discussion and comments from the public. Then these recommendations will come to the City Council for review and public comments. After all recommendations are considered, it will be brought back to the Council in ordinance form for adoption.

Downtown Design Standards Committee Appointments

Winn appointed Council Members Gay and Krebbs to the committee, and he directed Zuidervaart to request two members of the Planning Commission to join the committee.

5. DISCUSSION ITEMS, continued:

B. VACATION DAY FURLOUGHS

Voluntary/Mandatory Furloughs
Discussion/Action

Authorize the use of voluntary furlough day, and discuss beginning mandatory furlough days.

City Administrator Compton said that last month's revenue was really low. He asked the council to authorizing voluntary furloughs for one day a week, and to mandate one furlough day per month.

MOTION: MOVED, SECONDED (KREBBS, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE VOLUNTARY FURLOUGH DAYS AT THE SUPERVISOR'S DISCRETION, AND LIMIT THE VOLUNTARY FURLOUGH DAYS TO ONE PER WEEK.

Council Members discussed the need for mandatory furloughs.

Mayor Winn asked if there was any consensus from the unions.

City Administrator Compton said that the Public Works Department is agreeable to furloughs to save jobs, but the Police Officers Association has not decided yet. Some officers have said that they are willing to participate to save jobs. He said that the City Attorney is drafting a document for the unions to consider.

Mayor Winn asked for the budget review (Item 5D) before deciding on the mandatory furloughs.

Item 5D was taken out of order.

D. CITY BUDGET UPDATE

Revenue/Expense History
Discussion

The City Administrator will present the City budget update.

City Administrator Compton said the loss in sales tax is alarming. He presented a chart showing that the monthly retail sales tax revenue has consistently been between one and two hundred-thousand dollars a month. Then it dropped to \$2,125.82 in March. Compton said he called the state and was told that the state changed the formula. He said the state is not giving us all that is due, but he could not get a definite number.

Compton explained that the chart shows that revenues were higher in 2006 through 2008 and the extra funds were put in the capital fund. This money is used for purchases like the MESH camera system, police cars, copiers and other equipment.

Compton showed that last month, the City's expenses were \$657,693, but our total revenue was only \$93,574. He said that this hit is alarming and the City cannot take many hits like this. He said that furloughs are needed. He said that almost everything that could be cut, has been cut, so now we are down to cutting salaries and benefits.

5. DISCUSSION ITEMS, continued:

Mayor Winn said that the state is in a financial chaos, and they have chosen to withhold money from cities to pay their expenses.

Council Member Gay said that we cannot wait until July to get an answer from the unions. We need the answer next month.

Council Member Krebbs said that we have to do the furloughs.

Council Member Uecker said that we cannot furlough some employees and not others. He would have a hard time doing that if the unions cannot get on board.

Compton said that the City cannot mandate what the unions will do. He said he hopes the POA will come to the table.

Krebbs asked what percentage of cut is needed, and if furloughs are enough or do we need layoffs. Will the unions decide how we make the percentage. He said that to continue putting this off only makes the situation worse. He said he prefers furloughs to layoffs.

Winn gave an example of a 5% cut in pay with the employees to be given a credit of a vacation day. This would still allow the police department to have enough officers on patrol. He said that the council members should take the same cut.

Winn said that the union could choose between mandatory furlough days or the pay reduction.

City Attorney Terpstra said he can take that idea to the bargaining units.

Compton said that two furlough days per month equals a 10% cut in pay, and is a \$250,000.00 savings to the City. The question is how much of the deficit do you want to make up with salary cuts, and how much of the reserves are you willing to use.

MOTION: MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 5-0 TO APPROVE A MANDATED SALARY CUT BY REDUCING EACH EMPLOYEE'S PAY BY ONE DAY PER MONTH WITH A VACATION CREDIT FOR EACH MONTH THAT THE PAY CUT IS IN EFFECT; THE COUNCIL SALARY WILL BE REDUCED. DIRECT STAFF TO MEET WITH THE BARGAINING UNITS AS REQUIRED TO DETERMINE IF THEY ARE WILLING TO ACCEPT THIS PROPOSAL. THE FURLOUGHS BEGIN MAY 1, 2009 AND CONTINUE TO JUNE 30, 2010; AND AT THAT TIME, IT WILL BE DETERMINED IF IT IS NECESSARY TO CONTINUE THE FURLOUGHS. THE VACATION CAP HAS BEEN READJUSTED TO ALLOW FOR THESE EXTRA VACATION DAYS.

5. DISCUSSION ITEMS, continued:

C. CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY

Medicare/Medicaid & State Children's Health
Insurance Program Extension Act of 2007
Discussion/No Action

This memo is to inform Council as to newly mandated reporting requirements for those individuals who file claims after July 1, 2009 and who is Medicare eligible. **The civil penalty to the payer for failure to report is the sum of \$1,000.00 per day per claimant for each day of non-compliance.**

City Administrator Compton said that this Child Insurance Act of 2007 had a rider attached, and one lawyer said it is the most onerous law ever passed. He said that every time a Workers' Compensation claim is filed, it must be submitted to see if the claimant is Medicare eligible, and this query must be done each quarter thereafter. If a query is not done, the fine is \$1,000 per claim for each day of noncompliance. This funding was set up to create \$1.5 billion in revenue in three years to support the program. This work load will end up on the insurance carriers, and will increase the cost of insurance to all of us. The CSJVRMA is meeting with a number of agencies who are willing to act as the Reporting Agency.

E. D.O.J. COPS HIRING RECOVERY PROGRAM GRANT

Submittal date: April 14, 2009
Discussion/Action

Discuss the request to apply for the COPS Hiring Recovery Program Grant.

Chief Bull said that this grant is part of the federal stimulus package, and it may help maintain positions. He said the application is ready to file tomorrow. The application is for \$1.2 million for four positions to be paid out over three years, but the grant takes time to award. He said it is possible that we will not get it because we have not had to lay off any officers so far, and we have a low crime rate. Other cities are in worse condition; and therefore, more qualified. Bull said that if the grant is awarded to us, no officers can be laid off, and the administration of the award may cost more than it is worth. He said they will look at it very closely if the department is awarded the grant.

Council Member Uecker asked if he has identified the people who could be laid off.

Bull said that the grant does not apply to non-sworn employees of the police department.

Uecker said that we need to look at every option as money gets tighter.

MOTION: MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 5-0 TO AUTHORIZE THE POLICE DEPARTMENT TO APPLY FOR THE DOJ COPS HIRING RECOVERY PROGRAM GRANT.

REPORTS

City Administrator: No Report

City Attorney: Terpstra gave Closed Session reports: Council gave direction on how to handle the existing lease agreement on the property in question, and an update was given to Council on the Ripon Farm Service issue. No action was taken.

City Engineer: No Report

Planning Director: No Report

Recreation Director: No Report

Director of Public Works: Johnston said that used-battery collection locations have been added to our recycling program: City Hall, Police Department, and the Library. This will help keep batteries out of the landfill.

Chief of Police: Bull said they just received notice of the 2009 Recovery Act Justice Assistance Grant. He said that \$2.5 million will go to the county, and the Board of Supervisors will pass through funds to cities. If the Council approved, he said he wants to apply for a new Digital/Analog Body Wire, and new LCD camera, and twenty tint meters. The total funding request is for \$12,362.00.

The City Council approved of his request to apply for Ripon's part of this grant.

Chief Bull reported that Sgt. Don Luthey received a plaque for his contribution of assistance for writing the pandemic flu plan. This document will be brought to council for adoption. Luthey has also assisted the county and state on this plan. The final plan is the culmination of two years' work.

City Council: Nutt said he attended the South San Joaquin Air Pollution Control District board meeting and they passed the city representation schedule. He said that the small cities will not be represented until 2016.

Winn said he attended the San Joaquin County meeting where the City of Stockton has petitioned to be a permanent member of LAFCO. He said that Lodi, Manteca, Escalon, and Ripon are against this request because the current rotation has been working well since 1965. The final vote will be in May. If this change is approved, it will have to go to the state legislature to make it legal.

Winn said he also attended the COG meeting in Fresno about the Valley-wide Blue Print. There were four plans presented for the Central Valley. (A) Each city could follow their own general plan; (B) this plan was a little more aggressive; (B+) a more aggressive plan with modifications to transportation; (C) the most aggressive plan regarding transportation and housing. He said that plan B+ was adopted, and that cities have

to abide by it or lose state funding. This plan would require cities like Ripon to have 6.8 family units per acre.

There being no further business, the meeting adjourned at 8:18 p.m.

(Signed) Chuck Winn

Mayor

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

REDEVELOPMENT AGENCY:

There being no further business, the meeting adjourned at 8:30 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

Ripon Community Redevelopment Agency Minutes

TUESDAY, APRIL 7, 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, Rick Newlun, Miguel Garcia, Robyn Udair, Kelsey Dahlin, Kirsten Duren, Ashley Hofman, Traci Hollingsworth, Camila Swecrez, Michael Merchant, Efren Sifuentes, Justin Brooks, Ben Willey, Kate Lynn Bickle, Bruce Hekman, Cielo Dela Cruz, Hilary Bennett, Victoria Nielsen, Katie Burleson, Jake Loogman, Trina Kahan, Carie Huerta, Ivan Flores, Ashlyn Cornilsen, Pam Hartley, Denisse Inzunza, Johnathon Lindsay, Kari Howard, Navid Fardanesh, Alicia DeJong, Cynthia Nunes Alana Snelling, Stephen Wells, Paul Staley, Cristian Rodriguez, Kyndra Swier, Carlos Chavez, Bob Madsen Mike Ton, Ariel Anaya.

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 5-0 TO APPROVE THE REDEVELOPMENT AGENCY MINUTES OF MARCH 3, 2009.

CONSENT CALENDAR

1. Bills, Invoices, Payments

A. URBAN FUTURES

Professional Services		\$1,916.25
-----------------------	--	-------------------

B. THOMAS H. TERPSTRA – LAW

Redevelopment Plan Amendment	\$1,680.00	
------------------------------	------------	--

Redevelopment - General	\$4,166.00	
-------------------------	------------	--

TOTAL		\$5,846.00
-------	--	-------------------

CONSENT CALENDAR, continued:

2. Resolutions

A. RESOLUTION NO. 09-4

A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF RIPON TO
ACCEPT CERTAIN REAL PROPERTY
COMMONLY KNOWN AS THE **BODESON**
PROPERTY LOCATED ON
STOCKTON AVENUE

This resolution accepts a Grant Deed
for real property from the Karmel R.
Guissi Trust and the Francis E.
Bodeson Trust.

B. RESOLUTION NO. 09-5

A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF RIPON TO
ACCEPT CERTAIN REAL PROPERTY
COMMONLY KNOWN AS THE **MADSEN**
PROPERTY LOCATED ON
STOCKTON AVENUE

This resolution accepts a Grant Deed
for real property from Robert and
Carol Madsen.

End of Consent Calendar

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

3. DISCUSSION ITEMS:

A. PURCHASE OF BMR HOMES

Owners Facing Default
Discussion/Action

Authorize the Housing and Loan Committee to use low/mod redevelopment funds to purchase (on a case-by-case basis) BMR units where owners need to sell, but the amount owed is greater than the current market value.

Planning Director Zuidervaart said that some families can no longer afford their BMR homes, and because in today's economy, mortgages are upside down, these families have requested help from the City. He said that the Housing and Loan Committee would like to create a program where the City can take back the houses, and the home owners can walk away debt free – not owing or receiving any funds from the value of the house. The decision to use such a plan would be determined on a case-by-case basis. Zuidervaart said it was not the City's intention to take away all options for people to get out of their obligation.

Mayor Winn said it would be better than forcing people into foreclosure, but he would like some standard criteria for determining who qualifies.

MOTION: MOVED, SECONDED (UECKER, KREBBS) AND CARRIED BY A VOTE OF 5-0 TO AUTHORIZE THE HOUSING AND LOAN COMMITTEE TO DEVELOP THE QUALIFICATIONS CRITERIA TO BUY BACK BMR UNITS WHERE OWNERS NEED TO SELL, BUT THE AMOUNT OWED IS GREATER THAN THE CURRENT MARKET VALUE – LOW/MOD REDEVELOPMENT FUNDS WOULD BE USED FOR THESE PURCHASES.

B. OWNER PARTICIPATION AGREEMENT

Cornerstone I Development
Low-Income Units
McRoy/Wilbur Communities
Discussion/Action

Approve the Owner Participation Agreement (OPA) for the Cornerstone I subdivision to provide four additional low-income units within the development.

Planning Director Zuidervaart said that the developer is seeking some Redevelopment funding for this project. He said that \$940,000.00 was released back to the low-mod fund when Cornerstone II was terminated.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE OWNER PARTICIPATION AGREEMENT (OPA) WITH McROY WILBUR COMMUNITIES FOR THE CORNERSTONE I SUBDIVISION TO PROVIDE FOUR ADDITIONAL LOW-INCOME UNITS WITHIN THE DEVELOPMENT.

There being no further business, the meeting adjourned at 8:30 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk