
Ripon City Council Minutes

TUESDAY, MAY 5, 2009 - 7:00 P.M.

WORKSHOP:

The City of Ripon workshop was called to order at 6:00 p.m.

ROLL CALL: Council Members Charlie Gay, Garry Krebs, Dean Uecker, Vice Mayor Elden R. Nutt, Mayor Chuck Winn

Others Present: City Administrator Leon Compton, Director of Planning Ken Zuidervaart, City Engineer Kevin Werner, Director of Public Works Ted Johnston, Police Chief Richard Bull, Recreation Director Kye Stevens, City Clerk Lynette Van Laar, Deputy City Clerk Jeanne D. Hall, Information Systems Technician Dan Brannon, Lt. Ed Ormonde, Sgt. Don Luthey, Sgt. Steve Merchant, Joel Castro.

IN THE MATTER OF:

1) Mass Dispensing Plan

Sgt. Luthey gave a presentation on the Mass Dispensing Plan for the City of Ripon to be put in action during a pandemic flu occurrence. Luthey said that all first responders, Bethany Home personnel, and City staff would receive the shots first because they cannot help others if they are sick. Then the shots will be given to all Ripon residents living inside the city limits. Then they would offer any assistance possible to the county. Depending on the particular pandemic, the whole process would take place in six days for a lesser pandemic, or in two days for a major pandemic. For the 2-day plan, personnel would work around the clock to get it done. Chief Bull commented that the City of Ripon is the only city in San Joaquin County with a completed plan – and that even the county does not have a plan prepared. He said that they have offered to share this plan with other agencies.

2) National Institute of Justice Aviation Technology Program

Sgt. Merchant gave a brief presentation on applying for a powered parachute through the National Institute of Justice and the Law Enforcement Aviation Technology Program. He gave an example of its use stating that if we need help searching for a missing child, we would probably not be able to get a helicopter or small airplane here very quickly, if at all. If the department had a powered parachute, officers could search quickly and easily. Merchant said that the N.I.J. has two gliders to give away, and the department would like to apply for one.

There being no further business, the workshop was adjourned at 7:05 p.m.

REGULAR MEETING

PLEDGE OF ALLEGIANCE: The meeting was called to order as indicated at 7:08 p.m. with Vice Mayor Nutt leading in the Pledge Allegiance to the Flag.

INVOCATION: Pastor Chuck Roots 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, Lisa Suender, Navid Fardanesh, Chuck Roots, Dave Henry, Joseph Perdichizzi, Brian K~~, Gabriel Young, Jake Loogman, Stephen Meece.

PUBLIC DISCUSSION: Mark Wilbur, McRoy-Wilbur Communities, said that homeowners in the Cornerstone Subdivision received a letter stating that a study was being done to put power lines over the middle of the subdivision. He said he spent the last two days calling the agencies that sent the letter. He learned that it was a preliminary study, and that they used old maps and have never actually seen the area. The agencies did not know about the subdivision, the school, or Mistlin Park that have been built since their map was made. He said that he is required by law to share this information with new purchasers. He said he needs a letter from the City Council responding to this letter to protect the homeowners.

Rich Dupont, Modesto, said that there are three entities involved. TANC which is ten cities and five utility companies proposing electrical lines all over California. He said that they will need an environmental review, and this letter is the beginning of that process. WAPA is the Western Area Power Administration which is the ‘watch-dog,’ and he was told that these lines cannot pass over houses, parks, or schools, so there should be no problem. The third agency is Aspen Environmental whose job is to collect information. Dupont said that he and Wilbur want to help the city get the information to this agency. He added that the comment period ends on May 31.

Mayor Winn said that Planning Director Zuidervaart will work with them, and bring the letter to the May 19 Council meeting for approval.

APPROVAL OF MINUTES: **MOTION:** MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING OF APRIL 21, 2009.

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

Retail Sales Tax	\$130,500.00	
Traffic Congestion Relief Program	\$31,896.46	
Motor Vehicle Fees	\$5,072.02	
	<u>TOTAL</u>	\$167,468.48

B. COUNTY OF SAN JOAQUIN

Measure K - 3 rd Quarter 08/09		\$44,509.11
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C. SPRINT NEXTEL

MCI Ground Lease		\$419.28
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D. RUDY BONZI, INC.

Franchise Fees		\$354.49
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E. AT&T

Acacia Avenue		\$839.17
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2. Bills, Invoices, Payments

A. ASPEN SURVEY COMPANY

Lawrence Property Purchase (Expansion of Mistlin Sports Park) Record of Survey Progress Payment		\$3,200.00
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CONSENT CALENDAR:

2. Bills, Invoices, Payments, continued:

B.	ECO:LOGIC ENGINEERS		
	Groundwater Monitoring Report Progress Payment		\$360.70
C.	INTERWEST CONSULTING GROUP		
	Transportation Planning Progress Payment		\$1,045.00
D.	DAMON S. WILLIAMS ASSOCIATES		
	Well No. 12 - SMI Progress Payment		\$1,020.00
E.	LSC TRANSPORTATION CONSULTANTS, INC.		
	Short Range Transit Plan Progress Payment		\$1,105.00
F.	THOMAS H. TERPSTRA – LAW		
	General	\$13,186.00	
	Police Department Matters	\$1,089.50	
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		TOTAL	\$14,275.50
G.	ROSS F. CARROLL, INC.		
	Mistlin Sports Park - Parking Lots Progress Payment		\$29,393.10
H.	ROSS F. CARROLL, INC.		
	Main Street/Stockton Avenue Rehab Project Progress Payment		\$315,914.62

CONSENT CALENDAR, continued:

3. Miscellaneous Items

A. PROCLAMATION

Sgt. Don Luthey

Present a proclamation to Sgt. Don Luthey for coordinating the Pandemic Flu Program by writing the Mass Dispensing Plan as part of the City of Ripon's Disaster Management Emergency Operations, and taking the lead in developing a mutual aid program for all of San Joaquin County – a project that took two years to complete.

👉 End of Consent Calendar 👈

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

PRESENTATION OF PROCLAMATION

Mayor Winn gave a brief overview of the Mass Dispensing Plan, and read the proclamation honoring Sgt. Don Luthey. He said that the plan is a masterpiece and that Ripon is the only city in the county to have a plan ready. He said that the work was complete and thorough.

Chief Bull said that Sgt. Luthey worked on this plan for two years, and he appreciated the proclamation from the Council.

4. RESOLUTIONS

Notes:

A. RESOLUTION NO. 09-31

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING THE CITY OF RIPON DISASTER
MANAGEMENT EMERGENCY OPERATIONS
APPENDIX G – MASS DISPENSING
(PANDEMIC FLU) PLAN

This resolution adopts the City of Ripon Disaster Management Emergency Operations Appendix G – Mass Dispensing (Pandemic Flu) Plan and authorizes the Mayor to sign any and all MOU's necessary to implement the plan.

MOTION: MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 5-0 TO APPROVE RESOLUTION NO. 09-31.

5. DISCUSSION ITEMS

Notes:

A. POLICE MOTORCYCLE OFFICER TRAINING CHALLENGE

Ofc. Stephen Meece, Traffic Safety
Discussion/Action

Consider granting Ofc. Meece the opportunity to attend the Police Motorcycle Officer Training Challenge in Carson City, Nevada from June 25 - 27, 2009.
(Cost: Officer Meece will pay his own expenses.)

Chief Bull said he has no problem with Officer Meece attending the event, but he did not authorize any funding. He brought this to the Council to get permission to take the Department motorcycle out of state.

Council Member Uecker said that we should show our support and pay the expenses.

Bull said that the cost of travel and hotel will be about \$300.00.

Mayor Winn said he talked to the Chief about the cost, and said that motorcycles are great tools but can be dangerous. He said that anything that gives an officer better skills is money well spent.

MOTION: MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 5-0 TO APPROVE PAYING \$300.00 TOWARD THE TRANSPORTATION AND LODGING FOR OFFICER MEECE TO ATTEND THE POLICE MOTORCYCLE OFFICER TRAINING CHALLENGE IN CARSON CITY, NEVADA.

B. STARBUCKS COFFEE

Letter in Support
Discussion/Action

Discuss sending a letter to Corporate Starbucks to encourage them to keep the store located in the Main Street Plaza.

Mayor Winn said that there has been a great effort in the community to support Starbucks, and they have gathered 1,800 signatures on a petition; however, there are two sides to the issue.

Council Member Uecker asked if there is a problem if the Council supports this business.

City Attorney Terpstra said that writing a letter would be OK, but the City cannot spend any money – a letter is a policy question.

Council Member Krebbs said that he is concerned about setting a precedence. There have been a number of businesses that are gone and there is nothing the Council could have done. He said he supports Starbucks as

DISCUSSION ITEMS, continued:

a private citizen, and every citizen can sign a petition, call, or send e-mails to Starbucks. He asked how the Council can support Starbucks and not support other businesses.

Council Member Gay said that the Council needs to be strong in support of business, but nothing is fair in life. He said that the Council can make an effort that does not cost money.

Vice Mayor Nutt said that keeping Starbucks is a corporate decision. We can support the people's right to have a petition. He said that McDonald's moved to the highway site because that's where the money is. He said that the Council can send a letter of support for the people signing the petition.

Lisa Suender, Ripon, said that although Starbucks is not for everyone, the Starbucks customers have rallied behind keeping it open. She said that "Good Day Sacramento" is coming to broadcast from this store. She said she appreciates that the Council is considering this. She said that Schemper is trying to renegotiate the lease.

Winn said that the Council is strongly connected to all businesses. He said he went to different Starbucks to try to solicit input. He said he alluded to Wal-Mart where the city did surveys. He said that businesses depend on customers. Customers go to the businesses they prefer. He said that two coffee shops have already left, and we have one other one supported by different clientele. The Council should not support one business to the detriment of another business. He said that people should vote with their dollars. He said he cannot single out a business to support, but he can support the residents in their efforts.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO DIRECT STAFF TO WRITE A LETTER TO STARBUCKS COFFEE CORPORATION SUPPORTING OUR RESIDENTS IN THEIR EFFORTS TO KEEP THE STORE OPEN AT THE MAIN STREET PLAZA LOCATION.

Discussion before the vote.

Council Member Krebs said that he can support a letter, but he noted that other businesses have not gotten the same support. He said that if Starbucks stays in that location, it is not because of a letter from the Ripon City Council. He added that Seattle will not be affected by this letter. He said he will vote for the letter because it will do no harm. He said that the petition, a new lease, letters, and e-mails are what may make a difference.

Gay said he is still not sure if it will make a difference.

Winn said he does not want to give the perception that we choose one business over another. People have free choice. He said he does not know what impact the closing of Starbucks would have on other businesses in town.

Nutt said he supports the citizens, but the letter will make no difference. The profit margin is what counts.

REPORTS

City Administrator: No Report

City Attorney: No Report

City Engineer: No Report

Planning Director: No Report

Recreation Director: No Report

Director of Public Works: No Report

Chief of Police: Bull asked if the Council was interested in the Police Department pursuing the acquisition of a powered parachute through the National Institute of Justice, as presented in the earlier workshop.

The City Council agreed to allow the Police Department to pursue the offer.

City Council: No Report

There being no further business, the meeting adjourned at 7:52 p.m.

(Signed) Chuck Winn

Mayor

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

There being no further business, the meeting adjourned at 8:02 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

Ripon Community Redevelopment Agency Minutes

TUESDAY, MAY 5, 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, Lisa Suender, Navid Fardanesh, Chuck Roots, Dave Henry, Joseph Perdichizzi, Brian K~~, Gabriel Young, Jake Loogman, Stephen Meece.

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 MEETING OF APRIL 21, 2009.

CONSENT CALENDAR

1. Bills, Invoices, Payments

A. URBAN FUTURES

Ripon Redevelopment Plan Amendment
Professional Services - March

\$6,947.50

5-Year Implementation Plan
Professional Services - March

\$1,050.00

TOTAL

\$7,997.50

CONSENT CALENDAR:

1. Bills, Invoices, Payments, continued:

B.	THOMAS H. TERPSTRA – LAW		
	Redevelopment	\$216.00	
	Plan Amendment	\$1,680.00	
		<u><u>\$1,680.00</u></u>	
	TOTAL		\$1,896.00

2. Miscellaneous Items

A. TERMINATION AND LEASE AGREEMENT

Setliff Bros, A California Partnership
W. Main Street

Authorize the Chairman to sign the Termination and Lease Agreement between the Ripon Redevelopment Agency and Setliff Brothers for the car wash property.

End of Consent Calendar

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

3. DISCUSSION ITEMS:

A. GRANTS FOR BMR HOME OWNERS

Refinancing
Discussion/Action

The Housing and Loan Committee requests that the Agency approve grants (not to exceed \$50,000.00) for BMR home owners with adjustable rate loans whose monthly payments exceed the maximum allowed by State Law enabling them to refinance to a 30-year fixed rate loan with a monthly payment in compliance with State Law.

Planning Director Zuidervaart said that this program is being developed to help BMR homeowners refinance their homes so they can stay in them. He said that there are three benefits to the program: 1) keep people in

DISCUSSION ITEMS, continued:

their homes; 2) protect the city's investments; 3) past amendments to the plan no longer allow adjustable rate mortgages – BMR homes must be purchased with fixed rate loans. Zuidervaart said that since the City allowed the adjustable rate mortgages in the beginning, we should help them out now.

Mayor Winn asked how many homes are involved.

Zuidervaart said that they are still researching that, but it is between five and ten homes. He said that some homeowners will not be able to refinance because of state requirements.

Vice Mayor Nutt said that people knew what they were getting into when they bought their homes. We were just doing our jobs to assist them.

Uecker said that we will be defeating our own purposes if we don't pass this.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE GRANTS (NOT TO EXCEED \$50,000.00) FOR BMR HOME OWNERS WITH ADJUSTABLE RATE LOANS WHOSE MONTHLY PAYMENTS EXCEED THE MAXIMUM ALLOWED BY STATE LAW ENABLING THEM TO REFINANCE TO A 30-YEAR FIXED RATE LOAN WITH A MONTHLY PAYMENT IN COMPLIANCE WITH STATE LAW.

There being no further business, the meeting adjourned at 8:02 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk