
Ripon City Council Minutes

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

JOINT WORKSHOP:

Planning Commission and City Council
This workshop was canceled, but will be rescheduled.

REGULAR MEETING

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: Terrie Johnson 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 Zuidervaart, 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, Scott & Cyndee Lindsay, Larry Rotelli, Kim Ormonde, David Seiler, Dylan Seiler, David Collins, Chuck Roots, Terrie Johnson, Gaynl & Irwin Trotter, Navid Fardanesh, Gerry Nies, John Mangelos.

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 JUNE 16, 2009 AND THE SPECIAL COUNCIL MEETING OF JUNE 19, 2009.

APPROVAL OF AGENDA AS POSTED (OR AMENDED):

Mayor Winn pulled Items 1E and 7F from the agenda. He said that Item 7F will be brought back on July 21, 2009.

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

CONSENT CALENDAR

Notes:

1. Income

A. STATE OF CALIFORNIA

Motor Vehicle In-Lieu Fees (6-10-09)	\$4,389.43	
Highway Users Tax (6-26-09)	\$19,917.00	
Retail Sales Tax	\$200,502.11	
	<u>TOTAL</u>	\$224,808.54

B. COUNTY OF SAN JOAQUIN

Council of Governments		\$23.00
------------------------	--	----------------

C. T-MOBILE

CPI - Base Rent		\$776.87
-----------------	--	-----------------

D. AT&T

Acacia Avenue		\$839.17
---------------	--	-----------------

E. BANK OF STOCKTON

Item 1E was pulled from the agenda.

Board of Equalization

2. Bills, Invoices, Payments

A. THOMAS H. TERPSTRA – LAW

Professional Services		\$16,706.50
-----------------------	--	--------------------

B. HAWKINS DELAFIELD & WOOD

Professional Services		\$1,800.00
-----------------------	--	-------------------

CONSENT CALENDAR

2. Bills, Invoices, Payments, continued:

C.	INTERWEST CONSULTING GROUP	
	Transportation Planning Progress Payment	\$1,785.00
D.	LSC TRANSPORTATION CONSULTANTS, INC.	
	Short Range Transit Plan Progress Payment	\$3,702.08
E.	DAMON S. WILLIAMS ASSOCIATES, LLC	
	Well No. 12 - SMI Progress Payment	\$1,200.00
F.	ASPEN SURVEY COMPANY, INC.	
	Lawrence Property 2009 - Mistlin Progress Payment	\$480.00
G.	MILLER PEZZONI & ASSOCIATES, INC.	
	Main Street/Stockton Avenue Rehab Project Progress Payment	\$1,580.00
H.	HCS ENGINEERING, INC.	
	Ripona Elementary School Street Crossing Progress Payment	\$687.50
I.	HCS ENGINEERING, INC.	
	Mistlin Parking Lots, Phase 2 Progress Payment	\$815.00

CONSENT CALENDAR, continued:

3. Resolutions

A. RESOLUTION NO. 09-56

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIPON ADOPTING THE
FEE SCHEDULE FOR CERTAIN TRAFFIC
AND SAFETY VIOLATIONS

This resolution adopts the fee schedule
for certain traffic and safety violations.

B. RESOLUTION NO. 09-57

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIPON ORDERING NON-
REPRESENTED EMPLOYEES TO FORFEIT
OF THEIR COST-OF-LIVING RAISE FOR
FISCAL YEAR 2009-2010

This resolution approves the withholding of
the cost-of-living raise for non-represented
employees and to give a vacation credit for
each month that salaries are frozen.

4. Miscellaneous Items

A. POST SIGN AT CITY HALL

Safety Issue

Authorize the Police Department to post a
“No Skateboarding or Skating” sign in the
public parking lot in front of City Hall and
the Police Department.

B. PROCLAMATIONS

Pamela Rust, Ted Weldon, Rebecca Watney
CPR/Heart Start “Save”

Approve the proclamations for the persons
involved in the lifesaving measures taken
on behalf of Lawrence Meade at the Ripon
Save Mart Supermarket on June 8, 2009.

C. HAWKINS DELAFIELD & WOOD, LLP

Arbitrage Rebate and Yield Restriction
Compliance Report

Accept the report for the Water and
Wastewater Revenue Bonds Series 2002A.

🍷 End of Consent Calendar 🍷

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

PRESENTATION OF PROCLAMATIONS

Mayor Winn invited the firefighters and the police officers up on stage with the recipients, and he read the proclamations.

Chief Bull said that this was a celebration of life, and he said he was happy and proud of everyone.

Anne and Lawrence Meade shook hands with everyone, and Lawrence said it was a magical sequence of events. He thanked everyone for saving his life, and said he needs to learn what God has intended for him. Anne said she didn't know how to thank everyone. She said she is a nurse, but she was not there and her cell phone was off. She said everyone did the right thing. She said that everyone should learn CPR, because people could save 40,000 more lives every year. She said it only takes four to six minutes without oxygen to cause brain damage. She gave proclamations she had made to Chief Bull, the firefighters and the police officers.

Bull said that all the patrol cars have heart-start defibrilators, and he thanked the Council for buying the equipment for the officers.

Winn told the first responders that he knows that they do not consider themselves to be heros, but he said that their unselfish commitment to service is what makes this country great. He said they are greatly appreciated.

5. PUBLIC HEARINGS

Notes:

A. ZONING TEXT AMENDMENT

TAZ09-01
PEA09-11

This is a public hearing to consider amendments to Title 16 (Home Occupation / Performance Standards), regarding noise.

Planning Director Zuidervaart said that the home occupation ordinance needed updating, and one concern was about noise. After the Planning Commission workshop and public hearing, the Planning Commission recommends that the City Council approve the amendments.

Mayor Winn said he was concerned about vehicle signage. He said that a business in another city could shrink-wrap their van in a sign and park it in front of their house, yet a local home-business is limited to a 2' x 2' sign.

Zuidervaart said there is no way to regulate a moving billboard.

Winn said that this makes the home-business at a disadvantage.

Zuidervaart said that people buy a house in a neighborhood and have certain expectations. A business owner has the option of obtaining a space downtown. This amendment will also protect the people who actually invest in downtown.

MOTION: MOVED, SECONDED (GAY, UECKER) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE ZONING TEXT AMENDMENT TAZ09-01 AND THE PRELIMINARY ENVIRONMENTAL ASSESSMENT PEA09-11.

6. ORDINANCES

Notes:

First Reading and Introduction

A. ORDINANCE NO. 771

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON ADDING
CHAPTER 6.14 TO THE RIPON MUNICIPAL
CODE RELATING TO THE ADOPTION OR
SALE OF ANIMALS

This ordinance adds Chapter 6.14 to
the Ripon Municipal Code regarding
the sale or adoption of animals.

Chief Bull said that several “rescue” groups have come into Ripon to adopt out or sell animals, but they participate in questionable actions. He said his goal is to make them adhere to state laws. This ordinance will also protect the people who adopt the animals.

Mayor Winn said that this is an excellent move, and it is needed; however, the ordinance does not cover individuals.

Bull said that there are laws for individuals, but the gap was with groups or “societies.”

Vice Mayor Nutt said that they have to prove that the animals have had their shots. The concern is that these animals are from puppy mills.

Bull said that all these groups are from outside Ripon, and they are under investigation in other areas.

MOTION: MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY THE FOLLOWING VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 771.

AYES: Nutt, Uecker, Gay, Krebbs, Winn

NOES: None

ABSENT: None

ABSTAIN: None

6. ORDINANCES, continued:

Notes:

First Reading and Adoption

B. ORDINANCE NO. 772

AN ORDINANCE OF THE CITY
OF RIPON FIXING THE AMOUNT OF
MONEY TO BE RAISED BY TAXATION
AND THE RATE OR RATES OF TAX
THEREFOR NECESSARY TO CARRY ON
THE VARIOUS FUNCTIONS AND
DEPARTMENTS OF THE CITY OF RIPON
AND REPEALING ALL ORDINANCES IN
CONFLICT THEREWITH

This ordinance fixes the tax rate in
Ripon at \$0.00.

MOTION: MOVED, SECONDED (UECKER, KREBBS) AND CARRIED BY THE FOLLOWING VOTE
TO WAIVE THE FIRST READING AND ADOPT ORDINANCE NO. 772.

AYES: Krebbs, Nutt, Uecker, Gay, Winn

NOES: None

ABSENT: None

ABSTAIN: None

7. DISCUSSION ITEMS

Notes:

A. SERVICE AGREEMENT

Gary Glendenning
Mistlin Sport Park
Discussion/Action

Authorize the Mayor to sign the Service Agreement between the City of Ripon and Gary Glendenning for concession service at the Mistlin Sports Park.

Recreation Director Stevens said that this service was put out to bid and he received three responses. He said that the agreement was reviewed by the City Attorney, and that this was the best agreement for the City.

MOTION: MOVED, SECONDED (NUTT, UECKER) AND CARRIED BY A VOTE OF 5-0 TO AUTHORIZE THE MAYOR TO SIGN THE SERVICE AGREEMENT BETWEEN THE CITY OF RIPON AND GARY GLENDENNING FOR CONCESSION SERVICE AT THE MISTLIN SPORTS PARK.

B. HOME REHABILITATION PROGRAM FUNDS

Increase Funds
Discussion/Action

Approve up to \$80,000 of HOME and CDBG funds for rehabilitation projects that exceed the typical rehabilitation activities.

Planning Director Zuidervaart said that these funds are for low-income home owners. He said that the current limit of \$40,000 does not allow for an additional room, or other major improvements.

MOTION: MOVED, SECONDED (KREBBS, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE UP TO \$80,000 OF HOME AND CDBG FUNDS FOR REHABILITATION PROJECTS THAT EXCEED THE TYPICAL REHABILITATION ACTIVITIES.

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

Past Due Habitat Fees
Discussion/Action

The San Joaquin County Council of Governments has determined that the City of Ripon has a past due habitat fee amount for the 2007/08 calendar year. Direct staff to pay the past due habitat fees.
(Past Due: \$15,623.66)

Planning Director Zuidervaart said that COG has audited all the cities, and many had collected the fee incorrectly. He said that the fee should be paid when the permit is pulled. He said that Ripon was collecting the fee when the permit was applied for – when rates were lower. If fees had been collected when the permit was pulled, the amount would have been higher because the value of the property had gone up. He said that some of the money can be recouped, but not all.

7. DISCUSSION ITEMS, continued:

Notes:

Mayor Winn said that COG is working to serve the community. He said it was a mistake, we owe the money, and we should pay it.

MOTION: MOVED, SECONDED (NUTT, KREBBS) AND CARRIED BY A VOTE OF 5-0 TO APPROVE THE PAYMENT OF \$15,623.66 TO THE SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS FOR PAST DUE HABITAT FEES.

D. REQUEST FOR NON-PROFIT STATUS

Rage Volleyball
Dave Collins
Discussion/Action

Approve the request to place Rage Volleyball on the non-profit list to receive half-price use of the Community Center.

David Collins, Rage Volleyball, said that the teams have done very well against larger schools and have earned a good reputation in the league. He said that Ripon now has ten teams, they are members of the USA Volleyball Association, and have made it to the Junior Olympics.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE ADDING RAGE VOLLEYBALL TO THE NON-PROFIT LIST TO RECEIVE HALF-PRICE USE OF THE COMMUNITY CENTER.

E. FARMERS MARKET

Discussion/Action

Mayor Winn will lead a discussion on a farmers market to be held in downtown Ripon.

Mayor Winn gave a presentation and gave his concept of what the market should offer, what fees should be charged, and what the rules would be. He showed a sample application that vendors would need to complete before being approved. He said it is important to locate the market downtown to help revitalize the down town area. He said that we need to get people downtown to see what businesses are available. He said that the market can to evolve into other things, like crafts and such. He said that he wants to start slow and feel our way before getting too ambitious in regards to the activities that we would allow.

Winn said that he has talked to Vice Mayor Nutt and Council Member Uecker, who are both on the Chamber Board, and they are having a meeting next week to discuss what Dorothy Booth, Chamber Executive Director, has learned about Farmers Markets.

Vice Mayor Nutt said that the Chamber was planning to hold the first market next year, when they are prepared because this will make the market successful – like the Almond Blossom Festival. He said it will take that long to put it together as a certified Farmers Market. He said that the Chamber Board will be willing

7. DISCUSSION ITEMS, continued:

Notes:

to share any information they have with the City committee. Nutt said that Booth has done a fantastic job of getting all the information together – phone numbers and contacts.

Winn said he brought this to Council to discuss a possible partnership with the Chamber. He said he has talked to Booth, and she has a lot of good ideas, but one thing stood out – and that is that there needs to be shade for the shoppers.

Winn said his proposal is to expand the Farmers Market Committee – beyond Council Members Uecker and Gay, and include members from the business community and from the farming community to oversee this. One additional step – Winn noted that Council Member Krebbs is Chairman of the Downtown Redevelopment Committee, is that he would like to get input from that committee since they are working on the revitalization of the area.

Winn said he wants to take all the ideas and come back to the Council with some concrete ideas. Winn said he talked to City Administrator Compton about using City staff to administratively run the market, and he said he has talked to Public Works Director Johnston on how to minimize cost and minimize the impact on his staff. He said that we can tap other human resources that may be available – he said that he doesn't think it takes a lot of people to be there during the event.

Nutt said that they will need a minimum of three people on site.

Winn said he appreciates what the Chamber is doing, but he said there is a sense of urgency and the downtown businesses need the traffic. He said he doesn't know if the market will be a success, but it is worth a shot.

Council Member Uecker agrees that the businesses are hurting, and we should not wait until next year.

Nutt said that it is a great thing that the Council and the Chamber can join forces and get the market up and running, but he is cautious of doing something too big and too fast and having it fall on its face. Don't take shortcuts – do it right the first time.

Council Member Gay said he agrees in that we need to do this as soon as possible, but it needs to be done right. He said there is a lot to do, but it could get started in the fall. Anything we can do in a proactive way, to be any kind of stimulus at all, he is for going ahead.

Nutt said that the merchant is there to sell the produce and make money. The people will start going to the market to shop, visit with people, maybe go into the stores – but if they go to the market and have a bad experience, they won't go back. If we do this, it needs to be really a good event – operated right, and they will come back. We are going to start out competing with all the other farmers markets, and the farmers already have contracts where they are going now, so whatever we do, it should be a time when it does not conflict with another market.

Winn said that for a regional market, Thursday night would work out best, because the only other competing market is in Oakdale, and they have a whole different attraction.

7. DISCUSSION ITEMS, continued:

Notes:

Gay said that if we advertize it well, people will be willing to come here.

Council discussed what type and where to put signs.

Council Member Krebs said that we should start small and start this year, and government should keep out of the way so the farmers can do business and make money. He said that, years ago, Flying J said that they would put special event publicity on their electric sign. It would be worth our while to talk to them.

Mayor Winn asked for public comments.

John Mangelos, Ripon, said that Baskin-Robbins does dollar-scoop Tuesdays, but we could ask them to do dollar-scoop Thursdays at the farmers market. It would bring a lot of people down. The Flying J sign is really good - "Farmers Market Thursday." The Council has said that you are going to do a farmers market, so the Chamber Board may decide that they have enough to do, and they may decide to do it with you, or they may decide to let you do it all. Pick a commission and give them the task. One way to get people to have their booths look really good is to have a contest – customers would vote on the best looking booth, and whoever wins the contest gets their space rent free the next week. He said that the insurance and porta-potties need to be paid for by whatever we charge for the space, but keep the price as low as possible. Put the market between Stockton Avenue and Nourse Street where the trees are quite tall which would offer shade and it is a picturesque setting. If it looks good, it will photograph well and look good in the papers – people will see it and want to come.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO APPROVE PARTNERING WITH THE CHAMBER OF COMMERCE AND TO INCLUDE MEMBERS FROM THE BUSINESS COMMUNITY AND FROM THE FARMING COMMUNITY TO THE COMMITTEE.

F. SAN JOAQUIN PARTNERSHIP *Item 7F was pulled and will be brought back on July 21, 2009.*

Presentation/ No Action

A representative of the San Joaquin Partnership will give a presentation.

G. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Voting Delegate
Discussion/Action

If any Council Members will be attending the annual conference, designate a voting delegate and an alternate voting delegate.

Mayor Winn said that the conference was close enough that people can drive up and back – saving hotel costs. *No council member was able to confirm attendance, so Mayor Winn tabled this item to a future meeting.*

7. **DISCUSSION ITEMS, continued:**

Notes:

H. GRAND JURY REPORT

Response
Discussion/Action

Approve the proposed response to the Grand Jury report.

City Attorney Terpstra said the letter gives a complete and accurate response, and he recommended that the Council approve the response as written.

MOTION: MOVED, SECONDED (UECKER, NUTT) AND CARRIED BY A VOTE OF 5-0 TO AUTHORIZE THE MAYOR TO SIGN THE RESPONSE TO THE GRAND JURY REPORT.

I. STAFF AUGMENTATION

City of Hughson
Discussion/Action

Approve an agreement with the City of Hughson to provide a member of the Ripon engineering staff to provide construction management services for their upcoming projects. The City of Hughson will reimburse the City of Ripon for all employee expenses.

City Engineer Werner said that Hughson will need our staff's assistance for a period of two to six months. He said that the agreement will be prepared by the City Attorney and will be brought back to the City Council for approval.

Council Member Krebbs said that this reflects on the quality of our City Engineer and staff in Ripon that another city would come to us for out source.

No action taken.

REPORTS

City Administrator: No Report

City Attorney: No Report

City Engineer: No Report

Planning Director: Zuidervaart said that the TANC comment period has been extended to July 30. He said that the City Attorney has prepared a letter and it will be brought to Council for approval. He said that SMUD has backed out and TANC is stepping back, but we still need to get the letter out.

Recreation Director: No Report

Director of Public Works: No Report

Chief of Police: Bull said the City had a good 4th of July.

City Council: Gay said that ten young men received their Eagle Scout award, and he appreciated that the Ripon Police stepped in as Honor Guard. Gay said that he toured the old library and asked that it be put on the next agenda.

Krebbs thanked staff for always giving quick response, and he said that Council has a good working relationship with staff. He said that the staff is always responsive to the citizens.

Winn said that he was at a meeting with TANC and since SMUD is pulling out, and others are pulling out, that TANC is probably doomed. Winn also said that he got calls from Starbucks about the store closing, and they told him that the closing has been planned for a year. He said they may come back when the economy improves. They told him that the one drawback was that it did not have a drive through.

There being no further business, the meeting adjourned at 8:32 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 8:37 p.m.

(Signed) Chuck Winn

Chairman

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

Ripon Community Redevelopment Agency Minutes

TUESDAY, JULY 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, Scott & Cyndee Lindsay, Larry Rotelli, Kim Ormonde, David Seiler, Dylan Seiler, David Collins, Chuck Roots, Terrie Johnson, Gaynl & Irwin Trotter, Navid Fardanesh, Gerry Nies, John Mangelos.

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 JUNE 16, 2009.

CONSENT CALENDAR

1. Bills, Invoices, Payments

A.	THOMAS H. TERPSTRA – LAW		
	Redevelopment Plan Amendment		\$2,208.00
B.	CALIFORNIA REDEVELOPMENT ASSOCIATION		
	Annual Membership Dues	\$2,705.00	
	Legal Fees	\$207.00	
		<hr/> <hr/>	
	TOTAL		\$2,912.00

