
Ripon City Council Minutes

TUESDAY, JULY 1, 2014

REGULAR MEETING

7:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order at 7:02 p.m. with Council Member Leo Zuber leading the Pledge of Allegiance to the Flag.

INVOCATION: Mayor Chuck Winn gave the invocation.

ROLL CALL: Council Members, Dean Uecker, Jake Parks, Leo Zuber, Vice Mayor Elden R. Nutt, Mayor Chuck Winn

OTHERS PRESENT: City Administrator Kevin Werner, Assistant Deputy City Attorney Rosie Ruppel, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, City Clerk Lisa Roos, Assistant Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, Kurt Hodges, Sharon Butler.

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

APPROVAL OF MINUTES: MOTION: MOVED/SECONDED (NUTT,ZUBER) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING ON JUNE 17, 2014.

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

CONSENT CALENDAR

Notes:

1. Income

A. STATE OF CALIFORNIA

Post Reimbursement	
Police Officer Training	\$1,444.48

2. Bills, Invoices, Payments

A. WOOD RODGERS TRAFFIC CONSULTANT

Manteca/Ripon sub-regional impact fee	
Progress payment (Invoice #88641)	\$3,330.00

B. O.C. JONES & SONS, INC.

Mistlin: Softball Fields	
Progress Payment: Application #19	\$15,717.75

C. STANTEC

Ground Water Monitoring	
2013 4 th quarter monitoring report	
2014 1 st quarter monitoring report	\$1,853.61

CONSENT CALENDAR, continued:

Notes:

3. Resolutions

A. RESOLUTION NO. 14-39

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING THE CITY OF RIPON
EMPLOYEE COMPENSATION PLAN
FOR FY 2014-2015 FOR THE
ADMINISTRATIVE STAFF AND
NON-REPRESENTED POLICE
DEPARTMENT EMPLOYEES

This resolution adopts the employee compensation plan for fiscal year 2014-2015 for the administrative staff and non-represented Police Department employees.

B. RESOLUTION NO. 14-40

RESOLUTION OF THE CITY COUNCIL OF
CITY OF RIPON ACCEPTING THE CITY OF
RIPON TRANSIT SYSTEM TRIENNIAL
PERFORMANCE AUDIT FOR THE THREE
YEARS PERIOD ENDING JUNE 30, 2012.

This resolution adopts the Triennial Performance Audit of the City of Ripon Transit System for the three years ending June 30, 2010, June 30, 2011, and June 30, 2012.

CONSENT CALENDAR, continued:

Notes:

4. Miscellaneous Items

A. LIEBERT CASSIDY WHITMORE

Agreement for Special Services
Employment Relations Consortium
Membership (July 2014 - June 2015)

Authorize the Mayor to sign the agreement
with Liebert Cassidy Whitmore for training
and consulting services; and approve
payment of membership dues.

(Dues: \$2,150.00 due before August 1)

(Late fee: \$100.00 if paid after August 1)

🍷 End of Consent Calendar 🍷

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

5. PUBLIC HEARINGS

Notes:

Council will take action on the following items at the conclusion of each Public Hearing.

Note: Resolutions 5A through 5I can be taken as one item if no one from the public objects.

A. RESOLUTION NO. 14-41

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 FOR
ASSESSMENT OF THE LIGHTING
DISTRICT, CITY OF RIPON, COUNTY OF
SAN JOAQUIN, COMMONLY KNOWN AS
CITY OF RIPON LIGHTING DISTRICT

This is a public hearing to set the amount and give approval of the levy of the annual assessment for fiscal year 2014-2015 for the City of Ripon Lighting District.

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

B. RESOLUTION NO. 14-42

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 96-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
BOESCH-KINGERY

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Boesch-Kingery Assessment District.

(\$58.84 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

C. RESOLUTION NO. 14-43

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 02-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
**CAROLINA'S LANDSCAPE
MAINTENANCE DISTRICT**

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Carolina's Landscape Maintenance Assessment District.

(\$196.70 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

5. **PUBLIC HEARINGS, continued:**

Notes:

D. RESOLUTION NO. 14-44

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 07-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
**CORNERSTONE 1 LANDSCAPE
MAINTENANCE DISTRICT**

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Cornerstone 1 Landscape Maintenance Assessment District.
(\$160.84 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

E. RESOLUTION NO. 14-45

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 89-2, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
**COUNTRY WOODS UNIT NO 2 AND
ZUMSTEIN ESTATES SUBDIVISIONS**

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Country Woods Unit No. 2 and Zumstein Estates Assessment District.
(\$75.82 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

F. RESOLUTION NO. 14-46

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 89-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
DUTCH MEADOWS

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Dutch Meadows Assessment District.
(\$29.10 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

5. **PUBLIC HEARINGS, continued:**

Notes:

G. RESOLUTION NO. 14-47

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 92-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
FARMLAND ESTATES

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Farmland Estates Assessment District.

(\$50.00 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

H. RESOLUTION NO. 14-48

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 98-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
JACOB'S LANDING

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Jacob's Landing Assessment District.

(\$116.34 per unit)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

I. RESOLUTION NO. 14-49

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
DETERMINING THE AMOUNT OF AND
APPROVING THE LEVY OF THE ANNUAL
ASSESSMENT FOR THE FISCAL YEAR
COMMENCING JULY 1, 2014 OF
ASSESSMENT DISTRICT NO. 94-1, CITY OF
RIPON, COUNTY OF SAN JOAQUIN,
COMMONLY KNOWN AS
**MAIN STREET LANDSCAPE
MAINTENANCE DISTRICT**

This is a public hearing to set the amount and give approval of the levy of the annual assessment for the Main Street Landscape Maintenance Assessment District.

(\$136.96 per single unit, plus additional individual assessments are determined by length of the frontage on Main Street.)

Council action: Authorize the Mayor to sign and execute any and all documents necessary, and to forward these documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

City Administrator Kevin Werner said this is the annual process that sets the annual assessments for each Landscaping and Lighting District for the City.

Council Member Zuber said he noticed some assessment districts were operating at a deficit and others were operating at a surplus. He recalls at one other time we could not transfer between them, but if one district is operating at a deficit then that becomes a general fund cost, correct.

City Administrator Werner said yes.

Council Member Zuber asked if we could adjust the rate.

City Administrator Werner said not without a vote.

Council Member Zuber asked why most properties listed in the Lighting District pay \$42.00 but some are paying half and others are paying 4, 5, 6 times more.

City Administrator Werner said that the Assessor's office has a calculation used to define other than residential properties and how they equate to a single family equivalent. The Assessor's office will go through each APN and calculate the equivalent for those parcels.

Council Member Zuber clarified that no one gets a zero; everyone pays something.

City Administrator Werner confirmed everyone within the District pays something.

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (ZUBER,PARKS) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEMS 5A THROUGH 5I.

6. ORDINANCES

Notes:

First Reading and Adoption

A. ORDINANCE NO. 813

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 sets the amount of
money raised by taxes necessary to
carry on the various functions of the
City of Ripon.

(City tax rate: \$0.00)

MOTION: MOVED/SECONDED (NUTT,PARKS) AND CARRIED BY THE FOLLOWING VOTE TO
WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 813.

AYES: Nutt, Parks, Zuber, Uecker, Winn
NOES: None
ABSENT: None
ABSTAIN: None

7. DISCUSSION ITEMS

Notes:

A. CHANGE TIME OR CANCEL THE AUGUST 5, 2014 CITY COUNCIL MEETING

National Night Out August 5, 2014
6:00 p.m. to 9:00 p.m.
Discussion/Action

Discuss changing the meeting time to 5:00 p.m. or cancelling the City Council meeting on August 5th to allow City Council members to attend the National Night Out activities at the Community Center.

Council discussed moving the meeting on August 5th to an earlier time, 5:00 p.m. or cancelling the August 5th meeting to attend the National Night Out event with the community. Council asked Staff if there were pressing items that would be affected by canceling the August 5th meeting. Staff said there was one item that would need to be addressed prior to the August 5th meeting, but may be on the July 15th agenda or, if Council prefers, they could hold a Special Meeting. Council felt there was more information to be gathered and tabled this item.

B. RIPON COMMUNITY GARDEN

Waiver of fees
Discussion/Action

Sharon Butler requests City Council waive the minor site plan application fee and the water usage (metered water fees) for a community garden on 1179 Vera Avenue.
Approved to be placed on the agenda by the Mayor.

Sharon Butler and Kurt Hodges introduced themselves as being part of a group in the process of starting a Community Garden in the City of Ripon. They have permission to use 2 1/4 acres located on the south side of Doak Blvd. The goal is to set up a garden with plots to rent to Ripon citizens within the school district boundaries. They will have boxes that the Board of Directors will use to grow and donate to local Food Banks. The group wants to see the schools and senior community get involved. Butler noted that many neighboring cities have community gardens that benefit their community members. Most individuals lack garden space; renters, apartment tenants. Butler pointed out on the screen the Community Garden layout and initial plan. Butler said this is a small portion of the property plan to begin with, just to get the parking set and meet City Engineers requirements on grading and driveways, plus meet the Fire Departments requirements to service the area. Butler said they are asking for waiver of minor site application fee and the water usage (metered water fees). The city has lines that run adjacent to this property, which they were told would be easy to tie into. Butler said the Community Garden will be a Non-Profit Organization and no funds will be banked by the Board or Organization that don't go right back into the property itself. They will not be selling produce, so there will be no competition. Butler went on to explain the initial layout of the Community Garden and how there will be an area for handicap parking and the first plots will be reserved for the handicap and seniors so they do not have to walk as far. They plan to have a storage facility for gardening tools and supplies, plus a bulletin board to provide education pieces to the gardeners.

Mayor Winn asked how the fees will be determined and what they'll be used for.

Butler said the fees will be determined after all donations are received. The more they can get donated, the less the fee. They are thinking a fee of \$20.00-\$30.00 per plot annually.

Mayor Winn asked how much interest there was in this venture.

Butler said they have had a lot of interest and Kurt Hodges shared that they have 42 sign-ups just from sitting out in front of Ace for two days.

Mayor Winn asked what the maximum number that the garden could accommodate would be.

Hodges said there are 30 boxes available in the initial plan, which is in the first 100ft. There is a total of 460ft. available. So there is room for expansion.

Vice Mayor Nutt asked if there will be fencing.

Butler said at this time there will be no fencing due to the cost, but there will be a 20 foot gate across the driveway that will be closed at night.

Vice Mayor Nutt asked if there would be rules and regulations in regards to upkeep, weeds, and plot fences.

Hodges said there will be rules.

Council Member Parks asked if the parking lot was going to be dirt.

Butler said it's going to be rock.

Council Member Parks asked about the lease for the land. How many years are they looking to lease and is there an agreement with the owner.

Butler said there is no written lease as of yet. But they will need it for their insurance.

Planning Director Ken Zuidervaart said the proponents did meet with City staff and went through Minor Site Review and came up with a list of conditions for the project, all of which were agreed upon by the proponents and they are now here requesting waiver of fees laid out in the Staff Report. The group is looking for a waiver of Minor Site Review Application fee of \$566.00. Section 16.16.010(B) governs application fees and deposits for projects such as this. That section states that the fee for the cost of processing the application shall be paid concurrently with the submittal of the application, which the group did provide a check. It does not appear that anything in Title 16 permits the City to waive such application fees, without amending or changing the ordinance. Zuidervaart said the water fees for non-potable water per month is \$6.19 and the metered rate is \$.39 per 100 cubic feet. It is a little uncertain what a community garden's water usage would be, however the average household non-potable water usage per month costs \$12.00 to \$27.00 in metered usage. Added to the \$6.19 flat rate, the total cost goes to \$35.00 or less for metered water. The group is planning on using drip systems, so this will be minimum use of water. The code that governs the water service for the City can be found in Chapter 13.04. There is language that allows Council to waive fees, but it would be done by adopting a resolution. There would need to be findings of public purpose in order to waive such fees so that they are not a gift of public funds.

Council Member Uecker asked if it would be a problem since we are restricted to certain watering days.

Director of Public Works Ted Johnston said currently our resolution covers residential water use only.

Council Member Zuber asked if this property is considered residential or commercial, and if it's residential then the every other day watering is affective and if it's exempt it would have to be in another classification.

Zuidervaart said this property is zoned residential. This would be an interim use that would fall under light farming or gardening.

Council Member Zuber said he has concerns. He said if it was only \$12.00 per month for water usage, 5 plots would take care of the water for the whole property for 1 year. His concern is if we start making exemptions for one residential property, where does it stop. He stated roughly 10% of money that pays for the plots will go towards watering and then they have 90% to invest towards the property.

Mayor Winn said having dealt with many different experiences over the years, the Council has made few exemptions. The issue is not the amount, it's the slippery slope. The council over the years has tried to be equatable. We have a lot of non-profit groups in town and if we do this for one we have to do it for all.

Assistant Deputy City Attorney Ruppel said that the fees that are waived come out of the water enterprise fund. Residents of the City pay in to this fund, so if the water fees are waived citizens of the community are paying in to that, or the funds need to come from somewhere else, like the General Fund. There is also the issue of gifting of public funds.

Council Member Zuber asked if the Community Garden group would be able to control what a person who rented a plot could do with their vegetables.

Butler said that they cannot control what plot renters do with their vegetables. The group has to have faith in the plot renters and residents of the community.

Mayor Winn said the biggest concern is with policies, ordinances, and public funds. Council needs to be careful and see how the project benefits the community as a whole. It's a great idea and great opportunity for those who do not have the land and he looks forward to seeing it develop.

Butler asked if there is no action, can they still move forward with the garden.

Zuidervaart said they went through the appropriate application process and they can move forward with the project. Tonight's meeting was about getting fees waived, not the project itself.

Council suggested reaching out to other groups such as the Ripon Garden Club, Ripon Livestock Boosters, and the High School Farm. All groups are very active and have a vibrant following.

REPORTS

Department Heads: Chief Ormonde gave a reminder that on Thursday, July 3rd the Police Department will hold an Open House from noon to 4:00 p.m. with tours of the department and equipment/tools. Everyone is welcome.

Recreation Director Kye Stevens said this week's movie is the new "Captain America" which will be playing at Mistlin park on Thursday night, July 3rd. Followed by 4th of July festivities on Friday.

Planning Director Ken Zuidervaart gave an update on the Specific Plan. The consultant sent out a questionnaire this week to all of the property owners in the North Pointe planning district. Once feedback is received from the residents, a first draft of land use map will be proposed to City Council and the Planning Commission at a joint workshop in August or September.

Zuidervaart gave an update on the Austin Rd. Project for Manteca. Comments have been sent to Manteca pertaining to the sub-regional traffic fee for the Olive Avenue interchange and associated roads, which Manteca refers to as the McKinley interchange. Manteca took the first cut at having a consultant do a sub-regional traffic fee report, and then we had a consultant review and send comments back. Currently we have not heard back from Manteca for several months. The next step is for City Administrator Werner to contact their City Manager to get updates.

Zuidervaart said that Code Enforcement had a 2 by 2 meeting with the Fire Department today. Council Member Uecker and Vice Mayor Nutt met with Dennis Bitters and Board Member VanDer Maaten to discuss weed abatement issues and how the two jurisdictions can work together. They are creating an outline for the process of sending out notices and making sure the clean up happens in a timely manner.

City Council:

Vice Mayor Elden R. Nutt reminded everyone to go out and support the local fireworks stands.

Council Member Dean Uecker asked Chief Ormonde if he was aware of the fake money going around.

Chief Ormonde said he was aware of this situation in areas to the north of us, mostly being pawned off at non-profit fireworks booths.

There being no further business the meeting adjourned at 7:47 p.m.

(Signed) Chuck Winn

Mayor

ATTEST:

(Signed) Tricia Raymond

Deputy City Clerk