
Ripon City Council

Special Meeting Notice and Agenda

TO: **Honorable City Council**

SUBJECT: **Notice of Special Council Meeting**

Mayor Restuccia has directed this office to issue this notice as required by California State Law, of a special City Council meeting as follows:

DATE: **August 21, 2018**

TIME: **5:00 PM**

PLACE: **City Hall - Council Chambers**
 259 N. Wilma Avenue
 Ripon CA, 95366

PUBLIC DISCUSSION

This time is provided to the public to address the City Council on items not on the agenda. If you desire to speak, please address “Mr. Mayor” and upon being recognized, come forward to the podium, and state your name and address before proceeding into your subject matter.

1. RESOLUTIONS

A. RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIPON, CALIFORNIA
PROVIDING FOR THE APPOINTMENT
TO THE OFFICES OF THIS CITY THAT
WERE TO BE ELECTED ON TUESDAY,
NOVEMBER 6, 2018

This resolution cancels the General
Municipal Election to be held on
November 6, 2018 and appoints to the
office of Council member the two
candidates that were to be elected at that
time due to the fact that there are not more
candidates than offices.

2. TOPIC OF DISCUSSION

A. THE VINEYARDS SUBDIVISION IMPROVEMENT AGREEMENT

BMCH California, LLC

Accept The Vineyards Subdivision
Improvements completed by BMCH
California, LLC.

B. CRIMINAL PROCEDURE: USE OF FORCE BY PEACE OFFICERS

Objection Letter

Authorize the Mayor to sign and direct staff to send a letter to the Senate Appropriations Committee opposing AB 931 Criminal procedure: use of force by peace officers.

3. ADJOURNMENT

PLEASE NOTE: This letter was received by the undersigned on

August _____, 2018 at ____AM__PM

COUNCIL MEMBER

This office respectfully requests that you bring this notice to the meeting for proper filing.

COUNCIL MEMBER DEAN UECKER
COUNCIL MEMBER DANIEL DE GRAAF
COUNCIL MEMBER JAKE PARKS
VICE MAYOR LEO ZUBER
MAYOR MICHAEL RESTUCCIA
CITY ATTORNEY TOM TERPSTRA



Kevin Werner, City
Administrator



City Council
259 N. Wilma Avenue
Ripon, CA 95366

MEMO

To: Honorable City Council
From: Lisa Roos, City Clerk & Finance Director
Date: 08/21/2018
Subject: Appointment in lieu of election

RECOMMENDED ACTION:

This resolution cancels the General Municipal Election to be held on November 6, 2018 and appoints to the office of Council member the two candidates that were to be elected at that time due to the fact that there are not more candidates than offices.

BACKGROUND:

Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council if no one or only one candidate files for any office or offices to be elected at large:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

DISCUSSION/ANALYSIS:

At the close of the nomination period on August 10, 2018, only two candidates were nominated for the two offices that will be available at the November 6, 2018 election. Therefore, the City Council has the ability to follow Section 10229 and may choose to proceed with option 1 or 3 above. Option 2 does not apply because there were candidates nominated.

Option 1 – Appoint to the office the person who have been nominated

City Council can appoint Dean Uecker and Mike Restuccia to the office of Council member to serve for four year terms and cancel the election. If the City Council makes an appointment, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointments are made. This option would also have a cost savings to the City because we would not incur the estimated \$31,000 to consolidate our election with San Joaquin County.

Option 3 – Hold the election if either no one or only one person has been nominated

City Council can choose to hold the election because only one person per office were nominated.

In this case, the election would proceed as scheduled on November 6, 2018 and there is the option that a Write-in Candidate could go through the process and be eligible to be elected. If the City Council desires to continue to hold the election, then no action should be taken on the attached resolution.

Staff recommends that the City Council approve the attached resolution to cancel the Municipal Election on November 6, 2018 and appoint Dean Uecker and Mike Restuccia to the offices of Council member to serve for four year terms.

FISCAL IMPACT:

Estimated costs for the consolidated election was \$31,000. There will be a cost savings if the election is cancelled.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON, CALIFORNIA PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 6, 2018

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, as of the closed of the nomination period on August 10, 2018, there are not more candidates than offices to be elected and that Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated;

WHEREAS, a notice was published on August 14, 2018 in a newspaper of general circulation pursuant to law;

NOW, THEREFORE, the City Council of the City of Ripon, California, does hereby resolve, declare, determine and order as follows:

Section 1: That pursuant Section 10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are being appointed to the offices to which they were nominated, and are considered to be the same as being elected, pursuant to Section 10229(a)(3) of the Elections Code:

NAME	OFFICE	TERM
Dean D. Uecker	Council member	4 years
Mike Restuccia	Council member	4 years

Section 2: The election scheduled to be held on Tuesday, November 6, 2018, is now canceled.

Section 3: That the persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Section 4: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 21st day of August, 2018, by the following vote:

**THE CITY OF RIPON,
A Municipal Corporation**

By _____
MICHAEL RESTUCCIA, Mayor

ATTEST:

By: _____
LISA ROOS, City Clerk



City Council
259 N. Wilma Avenue
Ripon, CA 95366

MEMO

To: Honorable City Council
From: James Pease, Engineering Supervisor
Date: 08/21/2018
Subject: The Vineyards Subdivision Improvements

RECOMMENDED ACTION:

Accept The Vineyards Subdivision Improvements completed by BMCH California, LLC.

BACKGROUND:

The Vineyards Subdivision Improvements (located at the south/west corner of River Road and Fulton Avenue) are now substantially complete and in conformance with our Plans and Specifications. Although the punch list has been completed, there remain a few follow up items that the Developer has agreed to complete. At this time, the Developer has 13 homes that are ready for finals from the building department and buyers are ready to move in. The Developer has agreed to complete these last remaining items within the public right of way prior to any future houses receiving final inspections from the building department.

The one-year maintenance bond and record drawings have been received in order for the City Council to accept this project.



City Council
259 N. Wilma Avenue
Ripon, CA 95366

MEMO

To: Honorable City Council
From: Kevin Werner, City Administrator
Date: 08/21/2018
Subject: Objection Letter - AB 931 Criminal Procedure

RECOMMENDED ACTION:

Authorize the Mayor to sign and direct staff to send a letter to the Senate Appropriations Committee opposing AB 931 Criminal procedure: use of force by peace officers.

Attachments:

1. Oppose AB 931



City of Ripon
 259 N. Wilma Avenue
 Ripon, California 95366
 Phone: (209) 599-2108
 Fax: (209) 599-2685
 Email: traymond@cityofripon.org

CITY COUNCIL

Mayor

Michael Restuccia

Vice-Mayor

Leo Zuber

Council Members

Jake Parks

Daniel de Graaf

Dean Uecker

CITY ADMINISTRATOR

Kevin Werner

DIRECTOR OF PLANNING

Ken Zuidervaart

CITY ENGINEER

Kevin Werner

DIRECTOR OF PUBLIC WORKS

Ted Johnston

CITY CLERK

Lisa Roos

RECREATION DIRECTOR

Kye Stevens

August 20, 2018

The Honorable Anthony Portantino
 Chair, Senate Appropriations Committee
 State Capitol Building, Room 5035
 Sacramento, CA 95814

RE: AB 931 (Weber) Criminal procedure: use of force by peace officers
 Notice of OPPOSITION (As Amended 6/26/18)

Dear Senator Portantino,

The City of Ripon must respectfully oppose AB 931 (Weber), which would fundamentally change California's longstanding "reasonable" standard for use of deadly force by a peace officer. This bill would instead replace the current standard with a "necessary" standard, which would disallow a justifiable homicide defense if tactics prior to the shooting were "grossly negligent."

We agree with the author that the power of police officers to use deadly force is perhaps the most significant responsibility we give to any public official and must be guided by the goal of safeguarding human life. Moreover, our community can benefit from a more open dialogue around the need for enhanced training for law enforcement and the resources devoted to providing such training.

We are concerned, however, that this bill imposes a legal standard meant to judge, in hindsight, how an officer reacted in a split-second to a dangerous situation. As such, we are also concerned that such a change in the law will cause officer hesitation, which will not only increase officer injuries and deaths, but will ultimately serve as another disincentive in addressing an escalating officer recruitment and retention crisis.

For these reasons, the City of Ripon respectfully opposes AB 931. If you have any questions, please feel free to contact me at (209)599-2108.

Sincerely,

Michael Restuccia
 Mayor
 City of Ripon

Attachment: Oppose AB 931 (1840 : Objection Letter - AB 931 Criminal Procedure)