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# Ripon City Council

## Special Meeting Minutes

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August 21, 2018

**PLACE:** CITY HALL – COUNCIL CHAMBERS  
259 N. WILMA AVENUE  
RIPON, CA 95366

**TIME:** 5:00 PM

**CALL TO ORDER:**

Attendee Name	Title	Status	Arrived
Dean Uecker	Council Member	Present	
Daniel de Graaf	Council Member	Present	
Jake Parks	Council Member	Present	
Leo Zuber	Vice Mayor	Present	
Michael Restuccia	Mayor	Present	

**OTHERS PRESENT:**

City Administrator Kevin Werner, Deputy City Attorney Katie Luchessi, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Lieutenant Danny Sauer, City Clerk Lisa Roos, Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, Engineering Supervisor James Pease.

**PUBLIC DISCUSSION:**

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

**1. RESOLUTIONS**

A. RESOLUTION NO. 18-77

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.

City Clerk Roos said 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. City Council has the ability to follow Section 10229 of the Election Code and may choose how to proceed.

The first option is for Council to appoint to office the persons 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 candidate which are 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.

The other option is to hold the election. 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 resolution.

Roos said staff recommends that the City Council approve the 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.

**Motion to approve Resolution 18-77 appointing Dean Uecker and Mike Restuccia to the offices of Council member to serve for four year terms and cancel the Municipal Election on November 6, 2018.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Leo Zuber, Vice Mayor
<b>SECONDER:</b>	Jake Parks, Council Member
<b>AYES:</b>	Uecker, de Graaf, Parks, Zuber, Restuccia

**2. TOPIC OF DISCUSSION**

**A. THE VINEYARDS SUBDIVISION IMPROVEMENT AGREEMENT**

BMCH California, LLC	Accept The Vineyards Subdivision Improvements completed by BMCH California, LLC.
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Engineering Supervisor Pease said The Vineyards Subdivision Improvements have been completed.

Vice Mayor Zuber said the staff report read some minor things had to be completed before any more houses were finalized.

Pease said a punch list has been completed, except for a few follow-up items that the Developer has agreed to complete. 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.

Council Member Uecker said he is very impressed with the look of the project.

Zuber said the elevations are nice and he is impressed with the project as well. Other developers will have a neighborhood to reference.

**Motion to accept The Vineyards Subdivision Improvements completed by BMCH California, LLC.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Leo Zuber, Vice Mayor
<b>SECONDER:</b>	Dean Uecker, Council Member
<b>AYES:</b>	Uecker, de Graaf, Parks, Zuber, Restuccia

**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.

Mayor Restuccia said this letter opposes AB 931 Criminal procedure: use of force by peace officers. Restuccia said he sent it to Assemblyman Heath Flora's office and they suggested the letter be addressed to Assemblywoman Shirley Weber and a copy sent to the Senate Public Safety Committee.

Vice Mayor Zuber said Weber is the author, but copies should also go to Senator Galgiani and Assemblyman Flora.

**Motion to authorize the Mayor to sign the letter and direct staff to send the letter to Assemblywoman Shirley Weber and copies to Senator Galgiani, Assemblyman Flora and the Senate Public Safety Committee.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Leo Zuber, Vice Mayor
<b>SECONDER:</b>	Daniel de Graaf, Council Member
<b>AYES:</b>	Uecker, de Graaf, Parks, Zuber, Restuccia

**3. ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:10 PM.

(Signed) Michael Restuccia  
Mayor

**ATTEST:**

(Signed) Tricia Raymond  
Deputy City Clerk



**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

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### 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. 18-77

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:

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Leo Zuber, Vice Mayor

**SECONDER:** Jake Parks, Council Member

**AYES:** Uecker, de Graaf, Parks, Zuber, Restuccia

**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

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### **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

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### **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](mailto: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)