
Ripon City Council Minutes

TUESDAY, MAY 08, 2018 – 6:00 PM

REGULAR MEETING

6:00 PM

CLOSED SESSION AT 4:30 P.M.

PUBLIC DISCUSSION ON CLOSED SESSION MATTERS: No one from the public wished to speak at this time.

ROLL CALL:

Council Members Dean Uecker, Daniel de Graaf, Jake Parks, Vice Mayor Leo Zuber, Mayor Michael Restuccia.

OTHERS PRESENT:

City Clerk Lisa Roos, Kristina Vaz, City Administrator Kevin Werner, Police Chief Ed Ormonde.

IN THE MATTER OF:

(1) Public Employee Discipline/Dismissal/Release pursuant to Section 54957 of the California Government Code.

Kristina Vaz left the Closed Session.

City Administrator Werner and Police Chief Ormonde joined the Closed Session.

(2) Conference with Labor Negotiators

Labor negotiations pursuant to Section 54957.6 of the California Government Code.

- (a) Police Officers Association
- (b) Ripon Sergeants Association
- (c) Public Works Employees

City Clerk Roos said Council met in closed session on two items. Direction was given and no reportable action was taken.

PLEDGE OF ALLEGIANCE:

The meeting was called to order at 6:00 p.m. with Council Member de Graaf leading in the Pledge of Allegiance to the Flag.

INVOCATION:

City Attorney Terpstra gave the invocation.

ROLL CALL:

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, City Attorney Tom Terpstra, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, 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.

APPROVAL OF MINUTES:

Motion to approve the minutes of the Ripon City Council Special Meeting Closed Session of April 4, 2018, Regular Ripon City Council Meeting of April 10, 2018 and Ripon City Council Special Meeting of April 24, 2018.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Uecker, Council Member
SECONDER:	Jake Parks, Council Member
AYES:	Uecker, de Graaf, Parks, Zuber, Restuccia

1. CITY COUNCIL - SPECIAL MEETING - APR 4, 2018 8:00 AM
2. CITY COUNCIL - REGULAR MEETING - APR 10, 2018 6:00 PM
3. CITY COUNCIL - SPECIAL MEETING - APR 24, 2018 3:00 PM

APPROVAL OF AGENDA AS POSTED (OR AMENDED):

Vice Mayor Zuber requested Item 1.3B and 1.3D be pulled from the Consent Calendar for discussion.

Motion to approve the agenda as amended.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Daniel de Graaf, Council Member
SECONDER:	Dean Uecker, Council Member
AYES:	Uecker, de Graaf, Parks, Zuber, Restuccia

1. CONSENT CALENDAR

Motion to approve the Consent Calendar as amended.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Daniel de Graaf, Council Member
SECONDER:	Dean Uecker, Council Member
AYES:	Uecker, de Graaf, Parks, Zuber, Restuccia

1.1. Income

A. STATE OF CALIFORNIA

Sales Tax \$172,500.00
(Apr 2017 \$162,000)
FY 2017-18 YTD: \$2,469,533
FY 2016-17 YTD: \$2,212,036

Highway Users Tax \$23,692.41
(Apr 2017 \$18,974.10)
FY 2017-18 YTD: \$254,451
FY 2016-17 YTD: \$237,692

SB1 Street & Road Tax \$11,276.98
FY 2017-18 YTD: \$31,037

TOTAL \$207,469.39

B. PACIFIC GAS & ELECTRIC COMPANY

2017 Annual Gas Franchise Fees \$65,313.49
2017 Annual Electric Franchise Fees \$96,582.66

TOTAL \$161,896.15

C. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease – May 2018 **\$1,065.27**

D. T-MOBILE

Acacia Avenue Cell Tower Lease – April 2018 **\$955.02**

E. WASTE MANAGEMENT

Monthly Franchise Fee Payment - March 2018 **\$4,321.55**

F. BERTOLOTTI DISPOSAL, INC.

Quarterly Franchise Fee Payment – March 2018 **\$1,433.56**

1.2. Bills, Invoices, Payments

A. WOOD RODGERS, INC.

Well 12 Phase 2 Impact Analysis

Progress Payments

Invoice #115542	\$23,384.43
Invoice #115960	<u>\$2,880.33</u>

TOTAL \$26,264.76

B. SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY

2nd Quarter Billing

Budget and Cost Allocation Share	\$5,582.00
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C. TERPSTRA HENDERSON

General Matters	\$11,233.75
Police Matters	\$8,627.76
Redevelopment	\$1,548.75
J-M Manufacturing Co. et al.	\$980.00
Receivership	\$2,513.75
Meadowood	<u>\$442.50</u>

TOTAL \$25,346.51

D. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver

March Invoice #AR111003	\$1,463.25
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E. CAVES & ASSOCIATES

Professional Services – Labor Relations

Invoice #18-089	\$492.05
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F. RENEE BRUSH & ASSOCIATES

Stenographer Services and Transcript

Invoice #18808	\$2,028.50
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G. RODARAKIS & SOUSA, APC

Legal Services

Invoice #3747	\$2,049.50
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H. PACIFIC EXCAVATION, INC.

River Road/Fulton Avenue Signal Project

Progress Payment – Invoice #1680EW	\$11,115.37
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1.3. Miscellaneous Items

A. QUARTERLY INVESTMENT POLICY REVIEW

January 1, 2018 - March 31, 2018	Accept the City's quarterly investment report for the period ending March 31, 2018.
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B. ITEM B WAS MOVED TO ITEMS PULLED FROM CONSENT

C. RIVER ROAD INTERSECTION PROJECT

Pacific Excavation
Change Order No. 2 & 3

Approve Change Order No. 2 & 3 for underground utility conflicts and a reduction in the curb and gutter quantity (Cost not to exceed \$5,540.39).

D. ITEM D WAS MOVED TO ITEMS PULLED FROM CONSENT

E. AGRICULTURE LEASE AGREEMENT

245-340-35: 811 W. River Road

Approve and authorize the Mayor to sign the Agricultural Lease Agreement with De Jong Brothers, Inc.

F. PROCLAMATION

Mosquito Eastside Action Club, Inc.
40th Annual 500-Mile Run

Presentation of a proclamation to the Mosquito Eastside Action Club, Inc. of Ripon.

ITEMS PULLED FROM CONSENT

1.3B : DONATION OF BENCH AND TREE

Love Ripon

Accept the donation from Love Ripon for the purchase and installation of a bench and a tree to be installed at Mistlin Sports Park.
(Donation: \$1,500.00)

Vice Mayor Zuber said the staff report stated the fiscal impact for the installation of the bench and tree would be \$1,000. Zuber asked if this cost was real or an estimate.

City Administrator Werner said it is an estimate of time and the value of the installation.

Motion to accept the donation of a bench and tree from Love Ripon to be installed at Mistlin Sports Park.

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

1.3D : PARKVIEW ELEMENTARY SAFE ROUTE TO SCHOOL PROJECT

Reject bids

Reject all bids for the Parkview Elementary Safe Route to School Project and authorize staff to proceed with re-bidding the project.

Vice Mayor Zuber asked why the lowest bid was rejected.

Engineering Supervisor Pease said the contractor based the bid off of an old project schedule, so items were missing.

Zuber asked why the second bid was not accepted.

Pease said the cost did not meet the requirements.

Zuber asked if the bid would go out again.

Pease said yes.

Motion to reject all bids for the Parkview Elementary Safe Route to School Project and authorize staff to proceed with re-bidding the project.

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

****END OF CONSENT CALENDAR****

PRESENTATION OF PROCLAMATION

Mayor Restuccia presented the proclamation to Mr. Ramos of the Mosquito Eastside Action Club, Inc. of Ripon and recognized their work in the community for the last 45 years.

2. ORDINANCES

First Reading and Introduction

A. ORDINANCE NO. 874

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
AMENDING CHAPTER 17.16 "REAL
PROPERTY DEVELOPMENT FEES" OF
THE RIPON MUNICIPAL CODE

This ordinance amendment approves policies for implementation of the City of Ripon Development Fee Deferment program for all development within the City of Ripon, including non-residential and approves policies for development fees for newly annexed properties containing existing buildings and structures.

Planning Director Zuidervaart said this ordinance amendment approves policies for implementation of the City of Ripon Development Fee Deferment program for all development within the City of Ripon, including non-residential and approves policies for development fees for newly annexed properties containing existing buildings and structures.

Zuidervaart said for the past 10 years, the City of Ripon has worked with residential developers by deferring payment of City development fees until time of final or at the time

the property received the City approval for PG&E to connect the gas service - “gas tag” for each unit. This internal policy was established and is only available to single and multi-family residential buildings. Staff is now seeking to provide the same option across all development within the City of Ripon and set forth policies within our Real Property Development Fee ordinance so there is clear direction and communication to everyone on the implementation of this program.

Zuidervaart said the second item of discussion is a policy discussion for development fees pertaining to newly annexed properties containing existing structures and buildings. For the approximately 20 years the City of Ripon has had policies in place regarding Development Fee requirements for residential properties that were annexed into the City. These were approved in Resolution 99-24. The resolution states that residential properties in newly annexed areas are encouraged, but not required, to connect to city water, sewer and storm drainage facilities, however these properties may connect at any time after annexation so long as they pay the water, sewer and storm drainage hookup fees and hook up to all such services at the same time. If, at any time after annexation, the property owner’s domestic well or septic system fails, as determined by the San Joaquin County Department of Environmental Health or other agency of competent jurisdiction, and a permit for repair or replacement would otherwise be required, the property owner shall, at its expense, connect to all city services, including water, sewer and storm drainage facilities. In addition to the requirement or choice to connect, owners of developed residential properties shall install curb, gutter and sidewalk along the frontage of their properties consistent with City Standards. Additionally in cases of hardship, development hookup fees shall be approved as a loan with an interest rate of 5% for 15 years.

Zuidervaart said there is no such formal policy for developed non-residential developments or properties, therefore staff is recommending adding these policies to our Municipal Code and adopting a resolution defining such terms. A sample resolution has been attached to the staff report regarding existing non-residential developments or properties that are newly annexed into the City. The policy essentially mirrors that of our residential policy, only requiring the payment of water, sewer and storm drainage development fees upon development.

Zuidervaart said what is not being captured by this policy is impacts on our other development fee categories, such as transportation, City Hall, Police Station or Corporation Yard. In the past 10 years the City has experienced two projects that have developed right outside of City limits which are allowed on agriculturally zoned properties. While we do not provide any services outside of City Limits, there are certainly traffic impacts from those projects upon City infrastructure once development is complete. Additionally, once annexed, City Hall, the Police Department and Public Works will also have impacts that weren’t fully mitigated through the payment of development fees.

Zuidervaart said staff is seeking direction from the City Council regarding policies on how to handle development fees for these discretionary permits issued within our Sphere of Influence, but in the County’s jurisdiction.

Vice Mayor Zuber asked if this ordinance only applies to property that is annexed to the City.

Zuidervaart said the ordinance only applies to newly annexed properties containing existing structures and buildings.

Zuber asked for an example of how the fee deferment worked.

Zuidervaart explained that the fee deferment amendment allows all residential and non-residential development within city limits to pay their City of Ripon development fees at time of gas meter release inspection or final inspection for new construction, whichever comes first, rather than at the time of building permit issuance.

Zuber said if a resident decides to split their lot, the existing lot will fall under fee deferment and the new lot will be a new residence which will have to connect to City services and pay fees at the time of development. Zuber asked why commercial has choices and the residential does not.

Zuidervaart said he believes Zuber is mixing up the two amendment proposals. The fee deferment portion and the annexation of developed properties portion are two separate issues. An existing lot needing to hookup to City services would have to pay their hookup fees upon permit issuance, while the newly created lot upon development could pay their City of Ripon Development fees at time of gas meter release inspection. As far as commercial having choices, the proposed ordinance is written which allows the City to collect development fees “up-front” upon permit issuance or allow them to defer them until either gas meter release inspection or permit final, whichever comes first.

Zuber asked when a non-residential project would pay their development fees.

Zuidervaart said the ordinance is proposing it to be paid upon receiving their final permit. Zuidervaart further went on to say that we are starting to see residential and non-residential properties fall under the same category. Some residential properties, like non-residential, are going all solar and electric, so in this circumstance they wouldn't be asking for a gas tag and we would defer their development fees until final inspection.

Zuber said the ordinance says commercial projects would pay fees upon receiving their building permit.

Zuidervaart said Terpstra left that language open and at the discretion of the Director. When non-residential projects request a deferment of fees, he would determine when fees would be collected.

Zuber asked about the annexation of properties with and without structures. He said he has received a lot of complaints in regards to the associated fees. Zuber said none of those fees are mentioned in the ordinance

Zuidervaart said correct, we do not specify all of our development fees in our ordinance, they are established by our AB1600 report. The ordinance only mentions City of Ripon development fees as established in the most current AB1600 fee justification study.

Terpstra said the connection charges are easy, but in the County there are different fees and we want to avoid charging double. The Development Fees set forth in Title 17, which is broad, will be compared to what was paid to the County and the City, and will eliminate double charges. A Development Agreement will be created to help mitigate the process.

Zuber said he gets the process, but does not see it in the ordinance.

Terpstra pointed out subsection H on page three of the ordinance and read it.

Zuber said the second sentence should read "should apply upon completion of annexation".

Terpstra said a pre-annexation Development Agreement will cover all of these issues.

Motion to waive the first reading and introduce Ordinance 874 amending Chapter 17.16 “Real Property Development Fees” of the Ripon Municipal Code and adding language of a Pre-Annexation Development Agreement and the policy of Council is to fully mitigate all fees under Title 17.

RESULT:	FIRST READING WAIVED [UNANIMOUS]	Next: 6/12/2018 6:00 PM
MOVER:	Leo Zuber, Vice Mayor	
SECONDER:	Dean Uecker, Council Member	
AYES:	Uecker, de Graaf, Parks, Zuber, Restuccia	

First Reading and Introduction

B. ORDINANCE NO. 875

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
TEMPORARILY SUSPENDING
CERTAIN PROVISIONS OF CHAPTER
9.32 OF THE RIPON MUNICIPAL CODE

This ordinance temporarily suspends certain provisions of Chapter 9.32, “Skateboard Facilities” of the Ripon Municipal Code.

Recreation Director Stevens said a meeting was held at City Hall with some local parents regarding rules at the Skate Park. They were interested in changing park rules, which would allow scooters access to the Curt Pernice Skate Park.

Stevens said most California cities only allow the use of skateboards and in-line skates at their skate parks due to liability concerns. The current City of Ripon ordinance allows skateboards and in-line skates and does not allow bikes and scooters.

Stevens said staff is recommending the City Council consider amending Chapter 9.32 of the Ripon Municipal Code to allow scooters in the skate park and monitor over a one-year trial period. If at some point during, or at the expiration of, the one-year trial period staff finds that there are reasons that scooters should not be allowed, staff will bring forward an ordinance that will reinstate the ban on scooters.

Vice Mayor Zuber said he has no problem with amending the ordinance, but he wants to ensure that this item will be revisited in a year. He wants the word “may” to be “shall” in the ordinance.

Mayor Restuccia said things evolve over time and we have to evolve with them. Restuccia said as long as the liability doesn't change it is something we should try and hopefully the scooters will be respectful of the skateboarders whom the park was created for.

Council Member Parks said he is happy see that this Council is open to change.

Motion to waive the first reading and introduce Ordinance 875 temporarily suspending certain provisions of Chapter 9.32 "Skateboard Facilities" of the Ripon Municipal Code and updating the language to revisit the ordinance in one-year from the adopted date.

RESULT:	FIRST READING WAIVED [UNANIMOUS]	Next: 6/12/2018 6:00 PM
MOVER:	Leo Zuber, Vice Mayor	
SECONDER:	Dean Uecker, Council Member	
AYES:	Uecker, de Graaf, Parks, Zuber, Restuccia	

3. DISCUSSION ITEMS

A. 2018-2019 BUDGET DISCUSSION

Discussion/No Action

Staff to report on the 2018-2019 Budget.

City Administrator Werner said tonight's discussion is in regards to (1) staffing and some related expenses such as retirement and healthcare; (2) budget assumptions for outside entities; and (3) the capital projects included in the Fiscal Year 2018-19 budget.

Werner said last year the general fund account ended the year with a surplus of \$1,200,000. Current fiscal year surplus is on track to finish at \$900,000. If surplus holds true, staff will bring forward some options for Council consideration to potentially utilize the surplus.

Werner shared a Full Time Employee Summary chart and said during discussions of the 2017-18 budget there was a lot of discussion about staffing and it was approved by the City Council to hire an additional police officer and contract out the maintenance of certain landscaping areas to a private contractor to allocate Public Works staff to other priority areas. The only recommended staffing changes for 2018-19 is to hire a part time receptionist in the police department to direct walk-ins, take live scans, and help with administrative functions. Cost out of the general fund for this is \$15,000.

Werner shared a Retirement Plan Comparison slide and said this item is out of our control and will begin to have large effects to the general fund budget. Werner went over the contributions for CalPERS and 401K contributions.

Werner said a large expense looking ahead are the increasing cost to provide employee Health & Welfare benefits. Since 2011, the costs have increased 25%, or \$300,000. Werner shared a slide showing the 2011-2018 costs.

Werner said the City not only provides services, but also contributes to other organizations. Werner shared a summary of the past policy decisions by the City and where the money or resources are being allocated as part of the budget.

Werner shared a slide of proposed Capital Projects for 2018-19 and shared a Capital Outlay/Studies list and touched on it briefly since it was just discussed at the last meeting.

Werner said with input from the Council he will complete the draft budget and send it out in the next week for review. There will be a public hearing in June.

Vice Mayor Zuber said at the last workshop Council and staff discussed mitigation funds and policies for funds. Zuber asked when those will be coming back to Council.

Werner said those resolutions should be coming back in June.

B. GROUNDWATER REPORT

Discussion/No Action

Staff to report on local groundwater conditions.

Public Works Director Johnston said current groundwater level conditions are rebounding from the past years. Johnston shared a graph with Council showing the changes.

Johnston said groundwater is back at the 2013 level before the drought.

Johnston said the numbers are headed in the right direction and staff will continue to monitor the water table. Last month water reduction was at 37% and the 12 month running average was 23%.

Johnston said this number will go down as summer months start to warm up, but staff will continue to monitor water use and wasters.

REPORTS

Department Heads:

Police Chief Ormonde said the Police Department has been monitoring traffic flow on West Ripon Road in the evening hours and enforcing traffic violations. In the last couple of weeks, the citations written have been astonishing. Ormonde said the majority of the offenders reside outside of Ripon.

Engineering Supervisor Pease said the Northbound 99 Caltrans overpass closure work has been postponed until early June.

City Administrator Werner said staff is looking at the congestion on West Ripon Road and trying to come up with options to alleviate it.

Mayor Restuccia asked staff to look into this issue since the freeway detours are getting worse.

City Council:

Council Member de Graaf said the Economic Development Committee just had a productive meeting and praised Planning Director Zuidervart for always providing very helpful information to the group.

de Graaf thanked the public for attending.

Council Member Parks said the OneVoice Trip in Washington D.C. was very insightful. Parks said it is a good trip to gain knowledge on financing and other opportunities in our area.

Vice Mayor Zuber said he had the opportunity yesterday to ride the new Amtrak route from Fresno to Sacramento. He said it was very impressive and it has been a long time coming. Zuber said the recycling center is starting to look different and the new cardboard compactor should be in place by early June.

There being no further business, the meeting was adjourned at 7:17 PM.

(Signed) Michael Restuccia
Mayor

ATTEST:

(Signed) Tricia Raymond
Deputy City Clerk