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# Ripon City Council Minutes

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TUESDAY, JANUARY 08, 2019 – 6:00 PM

REGULAR MEETING

6:00 PM

**CLOSED SESSION AT 5:30 P.M.**

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

**ROLL CALL:** Council Members Michael Restuccia, Dean Uecker, Daniel de Graaf, Vice Mayor Jake Parks, Mayor Leo Zuber

**OTHERS PRESENT:** City Administrator Kevin Werner, Deputy City Attorney Stacy Henderson, City Clerk Lisa Roos

**IN THE MATTER OF:**

(1) Conference with Legal Counsel - Anticipated Litigation

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) - 1 case

Deputy City Attorney Henderson said Council met in closed session, no reportable action was taken and direction was given to staff.

**PLEDGE OF ALLEGIANCE:**

The meeting was called to order at 6:00 p.m. with Vice Mayor Parks leading in the Pledge of Allegiance to the Flag.

**INVOCATION:**

Planning Director Ken Zuidervaart gave the invocation.

**ROLL CALL:**

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

**OTHERS PRESENT:**

City Administrator Kevin Werner, Deputy City Attorney Stacy Henderson, Planning Director Ken Zuidervaart, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, City Clerk Lisa Roos, Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, Planning Secretary Mitzi Johnston, Saul Lopez-Barja, Missy Stewart, Gaynl Trotter, Vince & Stephanie Hobbs, Connie Jorgensen, Janet McMahon.

**PUBLIC DISCUSSION:**

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

**APPROVAL OF MINUTES:**

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

1. CITY COUNCIL - REGULAR MEETING - DEC 11, 2018 6:00 PM

**Motion to approve the minutes of the Regular Ripon City Council Meeting of December 11, 2018.**

**APPROVAL OF AGENDA AS POSTED (OR AMENDED):**

Council Member de Graaf requested Item 1.4A be pulled from the Consent Calendar for discussion.

Mayor Zuber requested the Item 1.3F and 1.4D be pulled from the Consent Calendar for discussion.

**Motion to approve the agenda as amended.**

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

**1. CONSENT CALENDAR**

**Motion to approve the Consent Calendar as amended.**

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

**1.1. Income**

**A. STATE OF CALIFORNIA**

Sales Tax \$224,575.04  
(December 2017 \$314,544)  
FY 2018-19 YTD: \$1,733,523  
FY 2017-18 YTD: \$1,561,921

Highway Users Tax \$29,316.62  
(December 2017 \$14,446.28)  
FY 2018-19 YTD: \$164,876  
FY 2017-18 YTD: \$159,434

SB1 Street & Road Tax \$23,295.07  
FY 2018-19 YTD: \$129,153  
FY 2017-18 YTD: \$0

**TOTAL \$277,186.73**

**B. T-MOBILE**

Monthly Acacia Avenue Cell Tower Lease Payment –  
December 2018 **\$955.02**

**1.2. Bills, Invoices, Payments**

**A. CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY**

2018-2019 3<sup>rd</sup> Quarter Deposits  
Liability Program \$49,134.00  
Workers' Compensation Program \$119,993.00  
Workers' Compensation Retrospective  
Adjustment \$110,182.00

**TOTAL \$279,309.00**

**B. PRICE PAIGE & COMPANY**

Audit Services  
Progress Payment – Invoice #14452 **\$2,100.00**

**C. RIPON CHAMBER OF COMMERCE**

2019 Membership Investment  
Invoice # 3624 **\$125.00**

**D. SAN JOAQUIN REGIONAL TRANSIT DISTRICT**

Blossom Express Driver  
November Invoice #AR111509 **\$1,166.90**

E. TERPSTRA HENDERSON

General Matters	\$6,297.25
Police Matters	\$2,629.14
Code Enforcement	\$45.00
J-M Manufacturing Co. et al.	\$147.50
Ripon Farm Service	\$88.50
Receivership	\$761.00
Diamond Pet Food Expansion	<u>\$2,125.00</u>

**TOTAL \$12,093.39**

F. WGR SOUTHWEST, INC.

City Stormwater Permit Assistance	
Progress Payment – Invoice #21297	\$1,030.00
Progress Payment – Invoice #21464	<u>\$217.50</u>

**TOTAL \$1,247.50**

G. WOOD RODGERS, INC.

Well 19 Plan, Specs & Bid Support	
Progress Payment – Invoice #122545	<b>\$1,895.00</b>

H. ASPEN SURVEY COMPANY, INC.

Survey Monument Preservation Evaluations (Reimbursed by Private Projects)	
Invoice #18-009-2	\$300.00
General Land Surveying Services	
Invoice #18-070-1	<u>\$4,846.25</u>

**TOTAL \$5,146.25**

I. GRANICUS LEGISLATIVE MANAGEMENT

Annual Legislative Management System Renewal	
Invoice #106536	
Digital Boardroom	\$7,704.00
Agenda & Minutes	<u>\$8,220.12</u>

**TOTAL \$15,924.12**

**1.3. Resolutions**

**A. RESOLUTION NO. 19-1**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ACCEPTING A PUBLIC UTILITY EASEMENT DEED OF CERTAIN REAL PROPERTY TO THE CITY OF RIPON

This resolution accepts a Public Utility Easement Deed by Pilot Travel Centers LLC, successor by merger to CFJ Properties (by way of conversion into CFJ Properties, LLC) of certain real property to the City of Ripon in connection with the Pilot Travel Center project at 1501 N. Jack Tone Road and authorizes the Mayor to sign and execute any and all documents necessary to complete the aforementioned transaction.

**B. RESOLUTION NO. 19-2**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ORDERING THE CITY ENGINEER TO PREPARE ON BEHALF OF THE CITY OF RIPON THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2019-2020 PERTAINING TO THE ANNUAL ASSESSMENTS FOR THE CITY OF RIPON'S TEN LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS LOCATED IN THE COUNTY OF SAN JOAQUIN, CALIFORNIA.

This resolution orders the City Engineer to prepare the annual report for the City of Ripon's ten Landscape and Lighting Maintenance Districts.

**C. RESOLUTION NO. 19-3**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ORDERING THE CITY ENGINEER TO PREPARE ON BEHALF OF THE CITY OF RIPON THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2019-2020 PERTAINING TO THE ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 05-1, CITY OF RIPON, COUNTY OF SAN JOAQUIN CALIFORNIA, COMMONLY KNOWN AS CITY OF RIPON LIGHTING DISTRICT

This resolution orders the City Engineer to prepare the annual report for the City of Ripon Lighting District.

D. RESOLUTION NO. 19-4

RESOLUTION OF THE CITY OF  
RIPON ACCEPTING THE CITY OF  
RIPON MONEY PURCHASE  
THRIFT PENSION PLAN  
FINANCIAL STATEMENTS AND  
INDEPENDENT AUDITOR'S  
REPORT JUNE 30, 2018 AND 2017

This resolution accepts the City of Ripon Money Purchase Thrift Plan Financial Statements and Independent Auditor's Report June 30, 2018 and 2017, prepared by Price Paige & Company.

E. RESOLUTION NO. 19-5

A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF RIPON  
APPROVING COUNCIL  
COMMITTEE APPOINTMENTS TO  
STANDING BOARDS AND  
COMMISSIONS AND  
COMMITTEES

This resolution approves Council Board and Commission and Committee appointments.

*F. ITEM F WAS MOVED TO ITEMS PULLED FROM CONSENT*

**1.4. Miscellaneous Items**

*A. ITEM A WAS MOVED TO ITEMS PULLED FROM CONSENT*

B. CLAIM

Michael Toledo, dba Toledo Transport,  
LLC

Deny the Application for Leave to Present Late Claim submitted by Michael Toledo, dba Toledo Transport, LLC.

C. GENERAL SERVICES AGREEMENT

Terracon Consultants, Inc.

Approve and authorize the Mayor to sign the agreement with Terracon Consultants, Inc. to provide construction materials testing and inspection services for the River Road Widening Project. (Cost not to exceed \$15,000)

*D. ITEM D WAS MOVED TO ITEMS PULLED FROM CONSENT*

E. LEASE FOR COPIERS AND PRINTERS

Lucas Business Systems

Approve and authorize the Mayor to sign a five year lease with Lucas Business Systems for six multi-function machines and maintenance of our current printers.

F. PROCLAMATION

Women's Center

Proclaim January as National Anti-Slavery & Human Trafficking Prevention Month.

G. PROCLAMATION

Leslie Eastburg

Proclamation expressing appreciation to Leslie Eastburg for his outstanding contributions to the Ripon community.

**ITEMS PULLED FROM CONSENT**

1.4A : GENERAL SERVICES AGREEMENT

Provost & Pritchard Consulting Group

Approve and authorize the Mayor to sign the agreement with Provost & Pritchard Consulting Group for consulting services pertaining to the 2016 and 2017 validation of the Validated Water Loss Audit Reports (cost not to exceed \$5,400.00).

Council Member de Graaf recused himself from Consent Calendar Item 1.4A.

**Motion to approve and authorize the Mayor to sign the agreement with Provost & Pritchard Consulting Group for consulting services pertaining to the 2016 and 2017 validation of the Validated Water Loss Audit Reports (cost not to exceed \$5,400.00).**

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [4 TO 0]</b>
<b>MOVER:</b>	Michael Restuccia, Council Member
<b>SECONDER:</b>	Jake Parks, Vice Mayor
<b>AYES:</b>	Restuccia, Uecker, Parks, Zuber
<b>RECUSED:</b>	de Graaf

RESOLUTION NO. 19-6

1.3F : A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE APPOINTMENT TO AND SETTING THE TERM FOR VACANCIES ON THE PLANNING AND RECREATION COMMISSIONS

This resolution approves Council Commission Appointments for the Planning and Recreation Commissions.

Mayor Zuber wanted to acknowledge Commissioner Brinton McCusker for his years of service on the Planning Commission and request staff drafts a letter thanking him.

Zuber said that Alternate Commissioner James West will be taking McCusker's voting seat on the Planning Commission and Mike Garcia will become the new alternate.

Zuber said all Recreation Commission members whose terms were up have been reappointed.

**Motion to approve Item 1.3F approving Council Commission Appointments for the Planning and Recreation Commissions.**

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

**1.4D : WASTEWATER TREATMENT PLANT GROUNDWATER MONITORING AND REPORTING**

Stantec Consulting Services, Inc.

Approve and authorize the Mayor to sign Change Order No. 9 for Stantec to extend their Annual Groundwater Monitoring and Reporting at the Ripon Wastewater Treatment Facility until February 26, 2022. (Cost not to exceed \$11,000 annually for a three year total of \$33,000.)

Mayor Zuber said contracts with Stantec date back to 2003 and asked if staff has considered looking at other proposals for this service.

Engineering Supervisor Pease replied that we could look at other proposals but we have had success with the State with this consultant and they have not increased their fee since 2007. Pease added that we have also had the same Project Manager for Stantec.

**Motion to approve Item 1.4D and authorize the Mayor to sign Change Order No. 9 for Stantec to extend their Annual Groundwater Monitoring and Reporting at the Ripon Wastewater Treatment Facility until February 26, 2022. (Cost not to exceed \$11,000 annually for a three year total of \$33,000).**

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

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

**PRESENTATION OF PROCLAMATIONS**

Mayor Zuber presented a proclamation to Saul Lopez-Barja with the Women's Center proclaiming January as National Anti-Slavery & Human Trafficking Prevention Month.

Mayor Zuber presented a proclamation to Leslie Eastburg acknowledging his 100th Birthday, many years of service and 100th year of living in Ripon. Eastburg will be the Grand Marshall for the Almond Blossom Festival parade this year.



## 2. PUBLIC HEARINGS

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

### A. ZONING CODE TEXT AMENDMENT

TAZ 18-03 pertaining to Accessory Buildings/Structures, Patio and Shade Structures and Recreational Vehicle Covers for all residentially zoned parcels.

This is a public hearing to consider an amendment to Title 16 the Development Code, by amending Chapter 16.140 “Dimension Regulations” as it relates to regulations for accessory structures, patio covers and recreational vehicle covers.  
**Recommended Action:** Approve the recommended amendments to Chapter 16.140 “Dimension Regulations” based on the findings in the staff report.

Planning Director Zuidervaart said this is a public hearing and will take public comment at tonight's meeting and will have the First reading and introduction of the ordinance brought to the February meeting.

Zuidervaart said the North Pointe Specific Plan (NPSP) kicked off new zoning and so we need to look at our regulations for accessory buildings and shade structures.

Zuidervaart presented a table showing what is currently allowed for accessory structures and what is being proposed for each of the zones citing that little is being changed with the exception of setbacks to the side and rear property lines. The current code says that an accessory structure can be no closer than 10 feet to the rear property line. The proposal is to allow these structures to be placed to within 5 feet of the rear property line if they back up to non-residential without requiring a use permit. This would apply to all residential lots except Medium and High Density lots (R3, R4, and R4U).

The side yard setback would remain as 5 feet setback except for R3, R4 and R4U Lots. R3 side setbacks would be as defined for the main unit in the code. An example would be if the main unit has a 3 foot side setback, the accessory structure could also have a 3 foot side yard setback.

Zuidervaart said High Density (R4/R4U) would be required to come before the Planning Commission for approval with a site plan.

Zuidervaart said there would be a 12 foot height limit in all zones as measured by the type of roof line. Again, R4/R4U would need to be approved by the Planning Commission. Zuidervaart said the Planning Commission looked at allowing a 15 foot height limit but opted to keep it at 12 feet.

Zuidervaart said the current size limit for an accessory structure is 720 square feet and this will remain the same. For lots in excess of 10,000 square feet, an accessory structure may exceed the 720 square feet so long as it doesn't exceed the overall lot coverage or required rear yard allowable coverage.

Council Member Restuccia asked if we are looking at changes because of the North Pointe Specific Plan. Zuidervaart replied yes and added that we have had some residents in other areas that have given comments on the setbacks.

Zuber asked if R4 and R4U lots will ever have a house built on them or are they for apartments. Zuidervaart said no single family homes will be built on R4 and R4U lots. The City wants to make sure that what they want to do is compatible with apartment complexes.

Zuber commented that for a house you have the allowed building area and the required setback area. If they want, they could place a structure in a portion of the setback area and a portion in the allowed building area. Zuidervaart replied yes.

Zuber said he would like to look at making modifications to the allowed building area.

Zuidervaart commented that within the building envelope, you could add onto a house. A structure within this area could be 35 feet or two stories.

Zuber said he would like to look at making modifications so that the structure has to be compatible with the main house as you could have someone with a large lot construct a 50 foot by 50 foot two story metal structure and there is nothing we can do. Zuber said that he thinks that we should restrict the height to be no higher than the main house. Zuber also commented that we could require that they be attached to the main house as a person would not want to attach something unattractive to their home. If they want a 2-story shed for their RV, it would have to be part of the house.

Zuber commented that a 12 foot height is not always 12 foot as it is measured at the center of the gable. Zuidervaart replied that the measurement depends of the type of roof. A 12 foot mansard roof could be 16 feet at the peak. We could say 16 feet at the peak height limit.

Council Member de Graaf said that if you are trying to match the house it could look different if you limit the height.

Zuber said that a structure should not exceed the height of the main house. Restuccia concurred with Zuber.

Zuidervaart then said that with patio and shade structures they pretty much stayed the same with the exception that they count against the rear yard area coverage and cannot cover more than 30% of the required rear yard area. R4 and R4U must be approved by the Planning Commission. This would provide an opportunity for people to build patio covers.

Zuber asked if they have 5 feet left within the allowed building area and have a 13 foot setback what can they do? Zuidervaart replied they can take up half of that 13 foot area for a patio cover.

Zuidervaart said that for R3 you cannot use more than 30% of the required rear yard.

Zuber asked about swimming pools. Zuidervaart replied that swimming pools do not count toward lot coverage. It only applies to anything with a roof.

Zuidervaart then said that detached patio covers can be within 3 feet of the side property line and are limited to 12 feet in height and no closer than 3 feet to the rear property line.

Zuber asked if a detached patio cover within the building envelope could be as tall as they want. Zuidervaart replied yes, with a maximum height of 35 feet. Zuber said that he would like to look at revising this too as it should also not exceed the height of the main house.

Zuidervaart said that we will be looking a RV covers at a future meeting.

### **PUBLIC HEARING OPENED**

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

### **PUBLIC HEARING CLOSED**

Direction was given to staff to consider changes to the code and bring back to a future meeting.

## **3. ORDINANCES**

### *First Reading and Introduction*

#### A. ORDINANCE NO. 881

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 10.12 "TRAFFIC CONTROL DEVICES" TO THE RIPON MUNICIPAL CODE	This Ordinance amends Chapter 10.12 "Traffic Control Devices" of the Ripon Municipal Code.
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City Administrator Werner said that this ordinance updated antiquated language in our current code.

Mayor Zuber said language should be added to the Ordinance which states: "The Chief of Police shall apprise the City Council and provide notice to the public, in such manner as he/she deems appropriate, prior to the installation of any traffic control device pursuant to this Chapter."

**Motion to waive the first reading and introduce Ordinance 881 amending Chapter 10.12 "Traffic Control Devices" of the Ripon Municipal Code.**

<b>RESULT:</b>	<b>FIRST READING WAIVED [UNANIMOUS]</b>	<b>Next: 2/12/2019 6:00 PM</b>
<b>MOVER:</b>	Michael Restuccia, Council Member	
<b>SECONDER:</b>	Jake Parks, Vice Mayor	
<b>AYES:</b>	Restuccia, Uecker, de Graaf, Parks, Zuber	

#### 4. DISCUSSION ITEMS

##### A. SAN JOAQUIN ONE VOICE ADVOCACY TRIP 2019

2019 One Voice Projects:

1. Regional Project - Ripon Multi-Modal Station
2. Local Project - Ripon Surface Water Project
3. Endorsement - RCAF Stadium

*Discussion/Action*

The City of Ripon may submit one regional transportation project and one local project (transportation or otherwise) for the 2019 One Voice trip. If the City Council would like to submit and endorse the same projects as last year, Staff recommends the City Council authorize the Mayor to sign the local jurisdiction endorsement for each project.

Additionally, City Council to consider designating a City representative(s) to attend the 2019 One Voice trip.

City Administrator Werner said San Joaquin Council of Governments (SJCOG) has requested project submittals for the 2019 San Joaquin One Voice trip. Ripon is authorized to submit one regional transportation project and one local project (transportation or other). Non-profit organizations are also eligible to participate in the process by acquiring an endorsement from the local jurisdiction. Last year, Ripon submitted the "Ripon Multi-Modal Station" and the "Ripon Surface Water" projects for consideration, along with endorsing the RCAF Stadium Project.

Werner said the value in this trip has been networking, as we have not received any funding.

Werner said the City of Ripon purchased land for the Multi-Modal Station by Industrial Ave. in August 2017 and has received \$4 million of Federal Transit Administration funding. Staff is estimating the total capital cost of this project to be \$11 million, which would leave a funding shortfall of \$7.2 million. Staff recommends this project be included as part of the City's transportation request for the 2019 One Voice Trip.

Council Member Restuccia suggested that we keep going back asking for these same projects until they are funded.

Vice Mayor Parks said that he has a conflict for these dates but would be willing to be an alternate.

Council Member de Graaf said that his schedule is open and he would be willing to go.

Council Member Uecker suggested that we also send a staff member or City Attorney.

**Motion to authorize the Mayor to sign the local jurisdiction forms and endorsement letter for the RCAF Stadium Project and send Council Member de Graaf and City Administrator Werner as representatives for the City of Ripon on the 2019 One Voice Advocacy Trip.**

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

## **REPORTS**

### **Department Heads:**

Police Chief Ormonde presented the Police Department's 2018 Year End Report showing activity for the year compared to the prior year. Ormonde shared statistics on total incidents, UCR Part 1 crimes, arrests, weapons and force use incidents, traffic collisions, traffic safety, mental health incidents, animal control services, carry concealed weapons permits, and department outreach.

Ormonde also shared homeless and transient population information for 2018 highlighting the voucher program that offers emergency food, shelter, gas, and transportation for those in imminent need. This program has been funded by community donations.

Director of Public Works Ted Johnston said December water usage was down 29.9% compared to 2013 and with a 12-month running average of 22.9%.

Planning Director Ken Zuidervaart gave an update on Diamond Pet Foods. On December 14th, they had their odor control equipment in place. Hopefully the public has seen a significant difference in the odors in town. He also asked for people to keep their ears open and let him know of any comments.

Engineering Supervisor Pease provided Council with an updated timeline of approved projects. He stated Well #19 is currently under construction. The Parkview Safe Route to School project will be starting this month.

Mayor Zuber asked how far along we are on the license plate reader (LPR) project.

Information Systems Technician Brannon said that half of the LPRs should be up and running this week and 18 of the 76 cameras have been installed around town.

### **City Council:**

Council Member de Graaf thanked the public for their comments and attending the meeting.

Council Member Restuccia said that he is furious of the death of the Newman officer. He is working with Assemblyman Heath Flora to change some legislation to get this thing fixed. This incident is too close to home.

There being no further business, the meeting was adjourned at 7:33 PM.

(Signed) Leo Zuber  
Mayor

**ATTEST:**

(Signed) Lisa Roos  
City Clerk