



City of Ripon

259 N. Wilma Ave. • Ripon, California 95366

Phone 209 599-2108 • Fax 209 599-2685

www.cityofripon.org

November 4, 2013

Honorable David P. Warner, Presiding Judge
San Joaquin County Superior Court
Post Office Box 201022
Stockton, California 95201

Re: San Joaquin County Grand Jury 2012-2013 Report – Case No. 0312

Dear Judge Warner:

On August 13, 2013, the City of Ripon ("City") responded to Grand Jury Report Case No. 0312 – Improving Disposal of City and County Surplus Public Assets ("Report"). In the Report, among other things, the Grand Jury recommended that the City (1) amend its municipal code to clarify procedures for the disposition of surplus public assets, (2) adopt a contract to be used for the sale of surplus vehicles and equipment, and (3) adopt a policy for the disposition of surplus land and buildings.

The City has taken action on each of the three above-referenced recommendations and provides the following attached documentation in response to each recommendation:

1. Ordinance Nos. 807 and 808 amending the City's municipal code regarding the disposition of surplus personal and real property.
2. Ripon City Council Minutes for the October 1, 2013 meeting reflecting adoption of Ordinance Nos. 807 and 808.
3. Agreement to Perform Auction Services in connection with the City's sale of surplus equipment and personal property.
4. Resolution No. 13-57 adopting policies for the disposition of city-owned real property and Real Property Disposition Policy.
5. Ripon City Council Minutes for the September 17, 2013 meeting reflecting adoption of the Agreement to Perform Auction Services and Resolution No. 13-57.

If there are questions or concerns regarding any aspect of this Response, please feel free to contact City Attorney Thomas H. Terpstra, or send correspondence to the City Council at 259 N. Wilma Avenue, Ripon, California 95366.

Sincerely,

Dean Uecker
Mayor

Enclosures

MAYOR

Dean Uecker

VICE MAYOR

Chuck Winn

COUNCIL MEMBERS

Elden "Red" Nutt

Jake Parks

Leo Zuber

CITY ADMINISTRATOR

Leon Compton

DEPUTY CITY ADMINISTRATOR/

CITY ENGINEER

Kevin Werner

CITY ATTORNEY

Thomas H. Terpstra

CITY CLERK/FINANCE DIRECTOR

Lynette Van Laar

DIRECTOR OF PLANNING &

ECONOMIC DEVELOPMENT

Ken Zuidervaart

DIRECTOR OF PUBLIC WORKS

Ted Johnston

RECREATION DIRECTOR

Kye Stevens

ATTACHMENT “1”

ORDINANCE NO. 807

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON
ADOPTING CHAPTER 3.32 OF TITLE 3 OF THE RIPON MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE

Title 3, Chapter 3.32, entitled "Disposition of Surplus Personal Property" of the Ripon Municipal Code is hereby adopted to read in full as follows:

Sections:

- 3.32.010 **Generally.**
- 3.32.020 **Surplus Personal Property Defined.**
- 3.32.030 **Identification of Surplus Personal Property.**
- 3.32.040 **Authority to Dispose of Surplus Personal Property.**
- 3.32.050 **Methods of Disposition.**
- 3.32.060 **Records.**
- 3.32.070 **Proceeds of Sale.**

3.32.010 Generally.

Surplus personal property, as defined in this Chapter, belonging to the City, shall be disposed of according to the provisions of this Chapter.

3.32.020 Surplus Personal Property Defined.

Personal property owned by the City that is no longer necessary or convenient for use by the City shall be considered surplus personal property.

3.32.030 Identification of Surplus Personal Property.

The City Administrator, or his or her designee, may, from time to time, require that the head of each Department in the City submit a list of all surplus personal property belonging to such City Department.

3.32.040 Authority to Dispose of Surplus Personal Property.

The City Administrator, or his or her designee, shall have the authority to determine whether and how to dispose of surplus personal property pursuant to this Chapter except that City Council approval is required for disposition of surplus personal property when the total estimated value of any item exceeds Two Thousand Five Hundred Dollars (\$2,500.00).

3.32.050 Methods of Disposition.

As used in this Chapter, the term "dispose" shall mean to sell, exchange, trade, abandon, destroy, donate or otherwise discharge. Surplus personal property may be disposed of by the City through one of the following methods:

- A. **Sale at Public Auction to the Highest Bidder.** Notice of any auction involving the sale of surplus personal property shall be published in the official newspaper of the City no later than ten (10) days prior to the scheduled date of the auction. The services of a salvage or auction company or a paid auctioneer may be used at the discretion of the City Administrator, or his or her designee. The City Administrator, or his or her designee, may

reserve the right to reject any and all bids received for any item. In the event that a bid is rejected, the property may be sold to the next highest bidder, or at such lower price as approved by the City Administrator, or his or her designee.

- B. Sealed Proposal. The restrictions as to rejecting any and all proposals and thereafter selling the surplus personal property shall be the same as those for public auctions as set forth in Subsection A of this section.
- C. Incidental Sale. For the purpose of this subsection, the term "incident sale" shall mean the sale of an item at a price, and at a time and place to be determined by the City Administrator, or his or her designee, to any buyer who is willing to pay the price requested, without first advertising such sale or calling for the receipt of bids; provided, however, that the City Administrator, or his or her designee, may advertise such sale as it may deem advisable. Surplus personal property may be disposed of by incidental sale when the City Administrator, or his or her designee determines that the item:
1. Is scrap or salvage material, including, but not limited to, discarded fire hose, a tire casing, a dead storage battery, or worn-out or wrecked automobile or machine body or part;
 2. Is perishable; or
 3. Has been offered for public sale and no acceptable offer to purchase has been received.
- D. Consignment. The City Administrator, or his or her designee, may sell any item of surplus personal property through consignment and may waive the requirement of competitive bidding on a consignment contract if it determines that such waiver is in the best interest of the City.
- E. Sale to Another Public Agency. Surplus personal property may be sold to any other public agency, provided that the price is determined to be fair and reasonable by the City Administrator, or his or her designee. For purposes of this Chapter, the term "public agency" means the state or any agency or subdivision thereof, any city, county, special district, or school district.
- F. Donations. By resolution of the City Council, surplus personal property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code.
- G. Transfer Between City Departments. The City Administrator, or his or her designee, may send a list of surplus personal property to all departments within the City. The department head of any city department may choose any item of surplus personal property from such list to be used by that department in the ordinary transaction of the business of such department, and the property may be transferred without offering the same for public sale. In the event that more than one department shall request any particular item of surplus personal property, the City Administrator shall decide which department shall receive such property.

3.32.060 Records.

The City Administrator, or his or her designee, shall maintain records which identify surplus personal property disposed of, the method of disposal, and the amounts received from the disposal and shall maintain records for public inspection relative to the disposal of surplus personal property for a period of time in compliance with the state law and the City's records retention schedule.

3.32.070 Proceeds of Sale.

Proceeds of the sale of surplus personal property shall be deposited in the appropriate City fund as determined by the City Administrator.

SECTION 2.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 3.

If any provision of this section or the application thereof to any Person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be effective without the invalid provision or application, and to this end the provisions of this section are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

SECTION 4.


This ordinance shall become effective thirty (30) days after its final passage and shall be published at least once within fifteen (15) days prior to its effective date in the Ripon Record, the official newspaper of the City of Ripon.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Ripon held on the day of , 2013, and by majority vote of the council members present, further reading was waived.

On a motion by Councilperson Zuber, seconded by Councilperson Nutt, the foregoing ordinance was duly passed and adopted by the City Council of the City of Ripon at a regular meeting thereof held on this 15th day of October, 2013, by the following vote, TO WIT:

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

THE CITY OF RIPON, a municipal corporation

By: 
DEAN UECKER, Mayor

ATTEST:


LISA ROOS, City Clerk

ORDINANCE NO. 808

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON
ADOPTING CHAPTER 3.36 OF TITLE 3 OF THE RIPON MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE

Title 3, Chapter 3.36, entitled "Sale of City-Owned Real Property" of the Ripon Municipal Code is hereby adopted to read in full as follows:

Sections:

- 3.36.010 General Applicability.
- 3.36.020 Declaration of Intent to Sell Real Property.
- 3.36.030 Notice of Public Sale.
- 3.36.040 Requirements for Sale by Competitive Proposals and Negotiation.
- 3.36.050 Requirements for Competitive Sale by a Real Estate Broker.
- 3.36.060 Sale Without Publication.
- 3.36.070 Conveyance of Land for Public Purposes.
- 3.36.080 Approval of Final Sale.

3.36.010 General Applicability.

The City may sell any real property owned by it in a manner set forth in this Chapter and in accordance with Government Code Sections 37350, et seq., as amended. The City Council shall determine which method described in this Chapter shall be used to sell each parcel of City- owned real property.

3.36.020 Declaration of Intent to Sell Real Property.

The City Council may declare, by resolution, its intention to dispose of City-owned real property pursuant to the procedures set forth in Section 3.36.040, 3.36.050, 3.36.060 or 3.36.070 if it finds that the property is no longer needed for the purpose acquired and that said property or title thereto is not needed for any other public purpose of the City. If Council determines that the property may be sold, it shall authorize the City Administrator to sell the property for a price equal to or greater than the minimum price established by a current appraisal made by a qualified real estate appraiser. However, notwithstanding the foregoing, no appraisal shall be required when the City Administrator reasonably determines that a property's estimated value is less than \$5,000. The resolution of intent to authorize sale shall contain the following:

- A. The reason for the sale of the property;
- B. A description of the property to be sold;
- C. A finding that the property is no longer needed for the purpose acquired or for any other public purpose;
- D. A statement of the value of such property established by an appraisal made by a qualified real estate appraiser or a statement that the estimated value is less than \$5,000; and
- E. Designation of the competitive sales process to be used for sale of the property.

3.36.030 Notice of Public Sale.

Sale shall only be made after publication in the official newspaper on two (2) or more occasions, the first of which shall be at least ten (10) days before the time at which bids or proposals are due.

3.36.040 Requirements for Sale by Competitive Proposals and Negotiation.

The following procedure shall be used when the City Council authorizes sale of City- owned real property by bids or auction. Such sales shall be awarded to the highest and best bidder. Bids shall be accepted until the time specified in the notice of public sale. The City Administrator, or his or her designee, shall tabulate all bids received pursuant to this Section and shall present them to the City Council and the Council shall make the award. The City Council, in its discretion, may reject any and all bids presented and may re-advertise the property for sale.

3.36.050 Requirements for Competitive Sale by a Real Estate Broker.

The following procedure shall be used when City Council authorizes sale of City-owned real property through the use of a duly licensed real estate broker. The broker must be selected in accordance with the City's policies for hiring of consultants and applicable state and local laws pertaining to conflicts of interest, and the broker must comply with notice of public sale requirements. The broker shall work with the City Administrator to advertise the property for sale, accept offers for the property, and negotiate with potential buyers in order to increase the final sales price, to reduce proposal contingencies, and to ensure sufficient financial resources to complete the sale. The City Council may, in its discretion, reject any and all offers and may re- advertise the property for sale.

3.36.060 Sale Without Publication.

Sales of real property may be made without advertising if the City Council, by a resolution adopted by at least three (3) affirmative votes, determines by such vote that to advertise the property for sale would be to no avail and would cause unnecessary expense and delay or would not be in the best interest of the City. If Council so determines, it may authorize the property to be sold by direct negotiation, exchange, sale, conveyance to government bodies, public utilities or nonprofit organizations, or by other appropriate method, as authorized in the resolution of intent to sell City-owned real property.

3.36.070 Conveyance of Land for Public Purposes.

The City Council may, by resolution, convey real property owned by the City to any public body or agency without cost to such body or agency when it finds that the land will be used for a valid public purpose and that such conveyance is in the best interest of the City.

3.36.080 City Council Approval of Final Sale.

Any offer for the purchase of City-owned real property shall be accepted or declined by resolution of the City Council by an affirmative vote of three.

SECTION 2.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 3.

If any provision of this section or the application thereof to any Person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be effective without the invalid provision or application, and to this end the provisions of this section are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

SECTION 4.


This ordinance shall become effective thirty (30) days after its final passage and shall be published at least once within fifteen (15) days prior to its effective date in the Ripon Record, the official newspaper of the City of Ripon.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Ripon held on the day of , 2013, and by majority vote of the council members present, further reading was waived.

On a motion by Councilperson Zuber, seconded by Councilperson Parks, the foregoing ordinance was duly passed and adopted by the City Council of the City of Ripon at a regular meeting thereof held on this 15th day of October, 2013, by the following vote, TO WIT:

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

THE CITY OF RIPON, a municipal corporation

By: 
DEAN UECKER, Mayor

ATTEST:


LISA ROOS, City Clerk

ATTACHMENT “2”

Ripon City Council Minutes

TUESDAY, OCTOBER 1, 2013

CLOSED SESSION: The meeting was called to order at 6:02 p.m.

ROLL CALL: Council Members Jake Parks, Leo Zuber, Elden "Red" Nutt, Vice-Mayor Chuck Winn, Mayor Dean Uecker

OTHERS PRESENT: Deputy City Administrator/City Engineer Kevin Werner, City Attorney Tom Terpstra, City Clerk Lisa Roos, Assistant City Attorney Stacy Henderson, Police Chief Ed Ormonde.

IN THE MATTER OF:

Conference with Legal Counsel.

Existing Litigation pursuant to §54956.9(2) of the California Government Code.

- Forks v. City of Ripon

Werner, Henderson, and Ormonde left the room.

IN THE MATTER OF:

City Administrator Appointment and Terms of Employment pursuant to §54957 of the California Government Code.

There being no further business, the meeting adjourned at 7:00 p.m.

REGULAR MEETING

7:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order as indicated at 7:00 p.m. with Council Member Nutt leading in the Pledge of Allegiance to the Flag

INVOCATION: Pastor Lloyd Wicker gave the invocation.

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

OTHERS PRESENT: Deputy City Administrator/City Engineer 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 Jeanne D. Hall, Information Systems Technician Dan Brannon, Raman Dhindsa, Tony Mistlin, Robert Mayfield, Steve De Graaf, Mike Hogan, Kelsey Alexander, Matthew Uecker, Hailey Perez, Flavio Valadao, Ryan Kirkpatrick, Nathan Machado, Chris V~, Jessica Carmona, Kiara Welsh, Danielle Pierce, Garry Krebs, Sandy Ramirez, Stephanie Hobbs, V. Sikkma, Norma and Lyell Williams.

PUBLIC DISCUSSION: Tony Mistlin, Ripon, said that he will match donations for the July 4, 2014 fireworks show, up to \$10,000.

Mayor Uecker said that Mr. Mistlin's generosity is overwhelming, and he thanked Mr. Mistlin for this offer.

Council Member Nutt thanked Mr. Mistlin for his offer because we sure need it.

Council Member Parks thanked Mr. Mistlin, not just for this offer, but for all the time he has given and for all he has donated.

Vice Mayor Winn has come before the Council several times and because of his continued generosity, the 2014 fireworks show will be a great event. With the show at the Mistlin Sports Park, there will be room for more activities for families to enjoy.

Uecker said that some people are not happy that the show has been moved across town to Mistlin Park, but it is no longer safe at the school. He thanked Mr. Mistlin again, and said "Praise the Lord."

APPROVAL OF MINUTES: **MOTION:** MOVED/SECONDED (ZUBER, NUTT) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING OF SEPTEMBER 17, 2013; AND THE SPECIAL CITY COUNCIL MINUTES OF SEPTEMBER 19, 2013.

APPROVAL OF AGENDA AS POSTED (OR AMENDED): Council Member Parks requested that Items 3A and 3B be pulled from the Consent Calendar for discussion.

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

CONSENT CALENDAR

Notes:

1. Income

A. STATE OF CALIFORNIA

Vehicle License Fee	\$6,562.37
---------------------	------------

2. Bills, Invoices, Payments

A. RTD SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Almond Blossom Express Invoice AR107462 (July)	\$1,410.00	
Invoice AR107478 (August)	\$1,820.00	
	<hr/>	
TOTAL		\$3,230.00

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

Mistlin Sports Park - Softball Fields Progress Payment	\$233,053.99
---	--------------

3. Resolutions

A. RESOLUTION NO. 13-62

*Item 3A was pulled from the
Consent Calendar for discussion.*

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
AUTHORIZING CERTAIN CAPITAL AND
OPERATING TRANSFERS

This resolution approves certain capital
and operating transfers for fiscal year
ending June 30, **2012**.

B. RESOLUTION NO. 13-63

*Item 3B was pulled from the
Consent Calendar for discussion.*

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
AUTHORIZING CERTAIN CAPITAL AND
OPERATING TRANSFERS

This resolution approves certain capital
and operating transfers for fiscal year
ending June 30, **2013**.

CONSENT CALENDAR

3. Resolutions, continued:

C. RESOLUTION NO. 13-58

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING AMENDMENT NO. 3
TO THE MEMORANDUM OF
UNDERSTANDING 2012-2014 FOR ALL
EMPLOYEES OF THE CITY OF RIPON
POLICE OFFICER'S ASSOCIATION

This resolution adopts Amendment No. 3 to the 2012-2014 compensation plan for all employees of the City of Ripon Police Officer's Association

D. RESOLUTION NO. 13-59

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING AMENDMENT NO. 3 TO THE
MEMORANDUM OF UNDERSTANDING
FOR 2012-2014 FOR ALL EMPLOYEES OF
THE CITY OF RIPON POLICE
SERGEANT'S ASSOCIATION

This resolution adopts Amendment No. 3 to the 2012-2014 compensation plan for all employees of the City of Ripon Police Sergeant's Association

E. RESOLUTION NO. 13-60

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING AMENDMENT NO. 3 TO THE
MEMORANDUM OF UNDERSTANDING
2012-2014 FOR ALL EMPLOYEES OF THE
CITY OF RIPON WORKING IN THE
CLASSIFICATION OF
**PUBLIC WORKS MAINTENANCE AND
PUBLIC WORKS FOREMAN**

This resolution adopts Amendment No. 3 to the 2012-2014 compensation plan for all Public Works Maintenance and Public Works Foreman employees.

F. RESOLUTION NO. 13-61

RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ELIMINATING THE VACATION CREDIT
AND RESTORING **NON REPRESENTED
EMPLOYEES** COST OF LIVING
ADJUSTMENT FROM FISCAL
YEAR 2008-2009

This resolution eliminates the vacation credit and restores the cost-of-living adjustment from fiscal year 2008-2009 beginning October 1, 2013 for all administrative staff and non-represented Police Department employees.

CONSENT CALENDAR, continued:

4. Miscellaneous Items

A. PROCLAMATION

Women's Center of San Joaquin County
Raman Dhindsa, FOCUS Program Manager

Present a proclamation to the Women's Center to announce October as Domestic Violence Awareness Month.

B. 2014 HEALTH AND WELFARE PLANS

Blue Shield Silver Plan
Kaiser Health
Premier Access Dental
MES Vision
Landmark Chiropractic (Blue Shield Employees)
ASH Chiropractic (Kaiser employees)

Approve the recommended plans for employees for calendar year 2014.

☞ End of Consent Calendar ☞

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

Discussion on Items 3A and 3B.

Council Member Parks asked if the Highway Tax apportionment number is provided by the auditors.

City Clerk Roos said that the number comes from the auditor.

MOTION: MOVED/SECONDED (NUTT, PARKS) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEMS 3A AND 3B.

PRESENTATION OF PROCLAMATION

Mayor Uecker presented a proclamation to Raman Dhindsa from the Women's Center of San Joaquin County.

Dhindsa thanked the Council for the proclamation. She said that every seven seconds, someone is the victim of domestic violence. In 70% of violent homes, children are also victimized. She thanked the Council for getting the word out that there is no place for violence. She said that the community needs to talk about it before it is too late.

Mayor Uecker said that domestic violence is a disease that is passed down through family members.

5. PUBLIC HEARINGS

Notes:

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

A. 2014 HEALTH AND WELFARE PLAN FOR THE COUNCIL MEMBERS

RESOLUTION NO. 13-64

**RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING AN INCREASE TO THE
CITY COUNCIL HEALTH BENEFITS**

This resolution adopts an increase to the health benefits for the Ripon City Council Members.

City Attorney Terpstra said that these benefits are the same level as for the employees. As required in Ordinance No. 800, the benefits must be considered at a public meeting after considering public input.

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

Vice Mayor Winn thanked the Council for adopting Ordinance No. 800 so the public can see the cost of the health benefits before the members vote. He said that he has trouble about the amount of money spent. He said that he and Council Member Zuber do not take the benefits so it does reduce the overall costs. He said that, depending on the plan, it costs between \$42,000 and \$45,000 to subsidize the Council. He said he is not opposed to city council members receiving some kind of benefit, but he is concerned that council members do not put in the hours like the employees, but they receive the same benefit. Winn said that this is the first day of the Affordable Care Act, and many people are surprised that their costs have gone up. The City health benefits costs have gone up an additional 1 ½% to 6% – depending on the plan, which the city will cover. He said that it will not bankrupt the council members to pay the increase themselves.

MOTION: Vice Mayor Winn made a motion to waive the increase to the health benefits for the Ripon city council members. The motion died for lack of a second.

Council Member Parks asked if the increased costs are just COLA adjustments, but not a better plan.

Werner said that these are the same plans as last year, but with new premiums.

MOTION: MOVED/SECONDED (PARKS, NUTT) AND CARRIED BY A 4-1 (WINN - NO) VOTE TO APPROVE RESOLUTION NO. 13-64.

6. **ORDINANCES**

Notes:

First Reading and Introduction

A. ORDINANCE NO. 807

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING CHAPTER 3.32 OF TITLE 3
OF THE RIPON MUNICIPAL CODE

This ordinance adopts Chapter 3.32, entitled "Disposition of Surplus Personal Property," authorizes the City Administrator to dispose of property that is no longer used by the City; however, the disposal of any surplus item that is valued more than \$2,500.00 must be approved by the City Council.

(Grand Jury Case No. 0312, requires that this ordinance must be adopted by December 1, 2013.)

City Attorney Terpstra said that the Grand Jury took issue with the way cities were handling surplus properties. The way the City of Ripon has done it in the past is consistent with the Grand Jury's request, but our policy was never formalized. There are no changes to Ripon's method of disposing of surplus property, but this ordinance will meet the Grand Jury's requirement.

MOTION: MOVED, SECONDED (NUTT, PARKS) AND CARRIED BY THE FOLLOWING VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 807.

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

First Reading and Introduction

B. ORDINANCE NO. 808

AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF RIPON
ADOPTING CHAPTER 3.36 OF TITLE 3
OF THE RIPON MUNICIPAL CODE

This ordinance adopts Chapter 3.36 entitled "Sale of City-Owned Real Property," authorizes the City Administrator to dispose of real property that is no longer needed for public purposes for a price established by a current appraisal; however, no appraisal shall be required if the property's estimated value is less than \$5,000.00.

(Grand Jury Case No. 0312, requires that this ordinance must be adopted by December 1, 2013.)

City Attorney Terpstra said that this is the same at 6A in that we did not have adequately documented procedures. This ordinance is consistent with the Grand Jury's recommendations. This does not vary the City of Ripon's procedures, but it puts the ordinance in place.

MOTION: MOVED, SECONDED (ZUBER, PARKS) AND CARRIED BY THE FOLLOWING VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 808.

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

7. DISCUSSION ITEMS

Notes:

A. REQUEST FOR FUNDS

Community and Youth Commission
Discussion/Action

The Community and Youth Commission is requesting funds for paper, balloons, face painting supplies, a sign, and 1,000 key chains.
(Funds Requested: \$774.00)

Roz Combley, Community and Youth Commissioner, said that this is the 7th year that they have organized the health fair. She said that the sign will be an A-frame that can be used every year. They want to purchase 1,000 key chains because it is the best price, but they will only give out about 200 each year. She said that the fair has grown each year, and last year they had 28 vendors.

Vice Mayor Winn said that the members have been strong advocates for the community.

Mayor Uecker said that they should be reimbursed up to \$1,000 to be sure they have enough money.

MOTION: MOVED/SECONDED (WINN, ZUBER) AND CARRIED BY A 5-0 VOTE TO AUTHORIZE UP TO \$1,000 TO THE COMMUNITY AND YOUTH COMMISSION FOR THE 2013 HEALTH FAIR.

B. MISTLIN SPORTS PARK

Presentation/No Action

Staff will present a financial report on the Mistlin Sports Park.

Recreation Director Stevens presented the actual expenses and revenue from 2008-09 through 2012-13 for the fountain (no revenue), soccer fields, baseball fields, softball fields, and the concession stand. He also gave projections for years 2013-14 through 2016-17. He said that in 2008-09, we only recovered 38% of the costs for that year. He said that the goal is to recover 80% to 90% of the costs by 2016-17. By 2014-15, all fields should be running and the recovery should be about 86%. He said that, every few years, we shut down some fields because we need to renovate them. Then there will be less revenue, so of course, the recovery will be less.

Council Member Parks asked what drives the expenses.

Public Works Director Johnston said it is the maintenance. The fields are labor intensive, but we currently only have two full time workers assigned to the fields because of the reduction in staff. We hope to hire a third person in the next budget, which will, of course, increase the expense.

Stevens said that the goal is to break even on the cost/expenses. He said that they used conservative numbers. He said that their sports are geared toward younger kids which bring in more people.

Vice Mayor Winn asked about the concessions and the type of beverages and food.

Stevens said that the new concession area is like a restaurant and is able to offer any kind of food. The current concession is serving pre-packaged foods.

Winn asked if staff has considered different kinds of sports for more revenue.

Stevens said that they are exploring other activities like Lacrosse, which is played in the Bay Area. He said that Lacrosse is not popular in the valley yet, but it could be in the future.

Winn said that a sports program should be run like a business, and he asked how our fees are determined.

Stevens said that they did a fee study a few weeks ago, and he can provide it.

Zuber said he appreciates that we now have a base line, and he expects a report every year.

Mayor Uecker said that this report does not include the increased sales tax revenue for gas, hotel, and food.

Council Member Nutt said he always called the Mistlin Sports Park the Great White Elephant because it did not pay for itself, but it has come a long way.

REPORTS

Department Heads:

Police Chief Ormonde said that the Emergency Car Show is on Saturday, October 5, and everyone is invited.

Public Works Johnston said that the City-Wide Yard Sale is on Saturday, October 12.

Planning Director Zuidervaat, said that Diamond Pet Foods has submitted an application to the San Joaquin Valley Air Pollution Control District to install cold plasma technology to abate odors at the facility. They are currently waiting for approval of the permit.

City Council:

City Attorney Terpstra said that the Council met in Closed Session. On the matter of Forks vs. City of Ripon, counsel was given direction on how to proceed. Regarding the matter of City Administrator appointment, a letter will be prepared for the next meeting.

Deputy City Administrator Werner said that Bethany Home will be having a Family Fun Day on October 5 at Stouffer Park. It will begin after the car show.

Werner also reported that there will be Public Workshop on October 3 at 6:00 p.m. about the Blossom Express bus route.

Zuber requested a report on the Safe Route to School grant.

Parks said that he attended the annual League of California Cities conference in Sacramento. He said it was interesting to learn of the different issues that cities are facing. He said that one issue that affects most cities is about water. He said that we lost one million acres of water because there was no way to retain it. That much water could supply Los Angeles for two years, and we need water for our crops. He said that cities are facing a financial crunch, but technology can make cities leaner. He said that we need to adopt to the future and look at accepting on-line payments.

Winn said that people should look at the Bay Delta Conservation Plan. This plan contends with the maximum use of water from the north to the south.

Uecker said that there would not have been a 4th of July fireworks show if not for the \$15,000 donation from Bethany Home. He said that the 2014 show will happen because of Mr. Mistlin's help.

Uecker also asked for volunteers to form a committee to discuss renting chairs to raise funds. Council Member Nutt volunteered. Uecker agreed to serve on the committee and directed Public Works Director Johnston to participate.

There being no further business, the meeting adjourned at 8:00 p.m.

(Signed) Dean Uecker

Mayor

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

ATTACHMENT “3”

AGREEMENT TO PERFORM AUCTION SERVICES

This Agreement to Perform Auction Services ("Agreement") is made and entered into this ____, day of _____, 2013 ("Effective Date"), by and between the City of Ripon, a municipal corporation ("City") and _____ ("Contractor"). City and Contractor are sometimes individually referred to herein as a "Party" and together as "Parties." In consideration of the mutual promises contained herein, City and Contractor agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONTRACTOR

1.1. City hereby engages Contractor to provide auction services (the "Services") in connection with City's sale of surplus equipment and personal property ("City Property"). The Services shall be performed by Contractor in a professional manner, and Contractor represents that it has the skill and the professional expertise necessary to provide the Services at a level of competency presently maintained by other practicing professional Contractors in the industry providing like and similar types of Services.

1.2. This Agreement is a non-exclusive agreement. City shall have the right to engage any other person or entity to perform the same or similar services as are described in this Agreement and Contractor shall have the right to perform the same or similar services as are described in this Agreement for any other person or entity.

1.3 The Parties expressly agree that the relationship between Contractor and the City shall be one of independent contractor and client, not employee and employer for any purpose. Under no circumstances shall Contractor look to the City as his/her/its employer. Nothing in this Agreement shall be construed to create a partnership, joint venture, agency, master-servant, employment, trust or any other relationship between Contractor and the City. Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Contractor have any authority, express or implied, to bind City to any obligation. Contractor shall have no right to participate in any employee benefit plans offered by the City to its employees, including, but not limited to, workers' compensation, disability insurance, vacation, or sick pay. Contractor shall have no power or authority by this Agreement to bind the City to any contractual or other obligation, or in any other respect. Nothing in this Agreement shall be construed to be inconsistent with this relationship or status. All employees, agents, contractors or subcontractors hired or retained by Contractor are those of Contractor and not of the City. The City shall not be obligated in any way to pay any wage or other claims made against Contractor by any such employees, agents, contractors or subcontractors, or any other person resulting from performance of this Agreement.

ARTICLE 2 – SERVICES OF CONTRACTOR

2.1. The Services that Contractor shall perform are more particularly described in Exhibit "A" entitled "Scope of Auction Services," which is attached hereto and incorporated herein. Contractor shall provide all labor, materials, tools, equipment and services incidental, customary and necessary to fully and adequately perform the Services.

2.2. Contractor shall perform and complete the Services in a prompt and diligent manner in accordance with industry standards.

2.3. Contractor shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, State prevailing wage laws.

ARTICLE 3 – TERM

3.1. The initial term of this Agreement shall be for one (1) year, commencing on the Effective Date of this Agreement (“Initial Term”). City shall have the option to renew this Agreement for two consecutive one (1) year terms (each a “Renewal Term”), on the same terms and conditions hereof, by providing contractor with at least thirty (30) days written notice of City’s election prior to the end of the Initial Term or a Renewal Term.

3.2. Upon termination of this Agreement, Contractor shall immediately discontinue performing under this Agreement and deliver or otherwise make available to City any City Property in Contractor’s possession, copies (in both hard copy and electronic form, where applicable) of specifications, reports, summaries and such other information and materials as may have been accumulated by Contractor in performing the Services. Contractor shall be compensated for Services completed up to the date of termination.

ARTICLE 4 – RESPONSIBILITIES OF CITY

4.1. City shall make available to Contractor information in its possession that may assist Contractor in performing the Services.

4.2. City designates _____, the City’s _____, as City’s representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City’s policies and decisions with respect to performance of the Services.

ARTICLE 5 – PAYMENTS TO CONTRACTOR AND REQUIRED REPORTING

5.1. Contractor will be paid for conducting each auction based on a percentage of the gross sales of City Property in accordance with the fee schedule attached hereto and incorporated herein as Exhibit “B.” Contractor shall be responsible for the payment of all Contractor costs associated with storing the City Property, all costs of conducting the auction, and for collecting and paying all appropriate taxes.

5.2. Proceeds from each auction (less Contractor’s percentage) are to be paid to City within twenty (20) calendar days after the sale. Each payment to City shall include an itemized listing of each item of City Property sold, any ID number and/or Vehicle Identification Number associated with each item sold, the date of sale for each item, repairs authorized by City, the total selling price for each item, the exact amount of any liens payable to lien holders, evidence of payment of any liens, the amount retained by Contractor as its percentage for each item sold and the amount paid to City for each item sold.

ARTICLE 6 – NOTICES

6.1. All notices shall be given in writing by personal delivery or by mail. Notices sent by mail should be addressed to the following addresses, or to such other addresses as the Parties may designate in writing. When so addressed, such notices shall be deemed given when personally delivered or upon deposit in the United States Mail, as applicable. Changes may be made in the names and addresses of the persons to whom notices and payments are to be given by giving notice pursuant to this Section.

To City:

City of Ripon
259 N. Wilma Avenue
Ripon, California 95366

To Contractor:

ARTICLE 7 – INSURANCE AND INDEMNIFICATION

7.1. Insurance required by this Agreement shall be maintained by Contractor for the duration of the Term of this Agreement. Contractor shall not perform any Services unless and until the required insurance is obtained by Contractor. Contractor shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to the City.

7.2 Contractor shall secure and maintain Workers' Compensation and Employer's Liability insurance throughout the duration of its performance of the Services in accordance with the laws of the State of California, with an insurance carrier acceptable to City as described in Exhibit "C", entitled "Workers' Compensation Insurance Certification", which is attached hereto and incorporated herein.

7.3. Contractor shall secure and maintain comprehensive general liability insurance with carriers acceptable to City. Minimum coverage of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

7.4. Contractor shall secure and maintain auto liability coverage, with minimum limits of One Million Dollars (\$1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Contractor owned vehicles used in connection with Contractor's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self insurance maintained by City.

7.5. Contractor shall, to the fullest extent permitted by law, indemnify, defend and hold the City, its elected officials, officers, employees, volunteers and agents harmless against any and all claims, demands, lawsuits, actions, losses, liabilities, injuries, expenses, recoveries, deficiencies, and/or damages, including, but not limited to penalties, interest, costs, attorneys' fees and expert fees that the City may incur or suffer as a result of, any actions, in law or equity, which arise out of or relate to the alleged acts, omissions, negligence, or misconduct of Contractor, its officers, directors, employees, subcontractors, agents, subconsultants, or any other person acting on behalf of Contractor in connection with performance of the Services, including, but not limited to:

- A. Contractor's failure to pay any taxes or contributions required by law for Services performed by Consultant;
- B. Contractor's failure to file any forms required by law;
- C. Contractor's failure to comply with any applicable laws, regulations or guidelines;
- D. Contractor's negligence, or the negligence of its employees, subcontractors or agents;
- E. Any intentional misconduct of Contractor or its employees, subcontractors or agents;
- F. Claims brought by or on behalf of Contractor's employees, subcontractors or agents;
- G. Contractor's breach of, or failure to perform any term of this Agreement.

ARTICLE 8 – CONFLICTS OF INTEREST

8.1. Contractor covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Contractor's Services. Contractor further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

8.2. Contractor agrees it is not a designated employee within the meaning of the Political Reform Act because Contractor:

A. Does not make or participate in:

- (i) the making of any City governmental decisions regarding approval of a rate, rule or regulation, or the adoption or enforcement of laws;
- (ii) the issuance, denial, suspension or revocation of City permits, licenses, applications, certifications, approvals, orders or similar authorization or entitlements;
- (iii) authorizing City to enter into, modify or renew a contract;
- (iv) granting City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
- (v) granting City approval to a plan, design, report, study or similar item;
- (vi) adopting, or granting City approval of policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code § 87302.

8.3. In the event City officially determines that Contractor must disclose its financial interests, Contractor shall complete and file a Fair Political Practices Commission Form 700, State of Economic Interests with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 9 – GENERAL TERMS

9.1. In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to recover its reasonable attorneys' fees, including fees for the use of in-house counsel.

9.2. Contractor shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, creed, color, religion, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, ancestry, physical or mental disability, medical condition, age, citizenship status, military or veteran status, genetic information, or any other basis protected by applicable Federal, State or local law.

9.3. Contractor shall not assign any of the Services, except with the prior written approval of City.

9.4. Documents, records, drawings, designs, cost estimates, electronic data files, databases and any other documents developed by Contractor in connection with its performance of the Services, and any copyright interest in such documents, shall become the property of City and shall be delivered to City

upon completion of the Services, or upon the request of City. Any reuse of such documents, and any use of incomplete documents, shall be at City's sole risk.

9.5. Contractor shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Contractor pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Contractor.

9.6. This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, an amendment to this Agreement shall be in writing, approved by City and signed by City and Contractor.

9.7. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF, duly authorized representative of the City and Contractor have signed in confirmation of this Agreement.

CITY OF RIPON
a municipal corporation

By: _____
Dean Uecker, Mayor

By: _____

Attest:

Lisa Roos, City Clerk

EXHIBIT "A"

SCOPE OF AUCTION SERVICES

1. **GENERAL DESCRIPTION OF AUCTION SERVICES:** The City of Ripon's Administrator, or his or her designee, solicited bids from qualified auctioning firms to be considered for the public auction sale of surplus City property. City has engaged Contractor to perform the full range of services provided by an auctioning firm. Contractor shall conduct effective and professional auctions that reflect a good public image for the City of Ripon. All auctions must be open to the general public.
2. **RELEASE OF CITY PROPERTY:** Surplus City Property may include, but is not limited to: vehicles, equipment, furniture and other miscellaneous items. City will release items for sale as they are declared surplus on a random schedule without any guarantee as to an annual volume.
3. **TIMING OF AUCTION:** All items shall be auctioned within ten (10) weeks after they are released for sale.
4. **SECURITY:** Contractor shall provide adequate security for all City Property being held for sale by Contractor. Cost for security shall be paid from the Contractor's percentage fee.
5. **TRANSPORTATION OF GOODS:** Contractor shall be responsible for transporting goods (including vehicles and heavy equipment if authorized) to the auction site as it becomes available from City. Contractor shall be responsible for any damages and/or costs to City's Property and for any damages or costs that City Property may cause to a third party while in the process of being transported to Contractor's place of business. Contractor shall transport auction items within five (5) days of notification for pickup.
6. **DISPOSITION OF UNSOLD CITY PROPERTY:** Items not purchased at the auction will be evaluated by City for further action. City will have the final approval as to the disposition of all items, and reserves the right to attempt to resell at the next auction. Unsold items are to be transported back to City by Contractor at no additional cost to City.
7. **PREPARATION OF VEHICLES FOR AUCTION:** Vehicles that are to be sold at auction will be in various conditions. Contractor shall be responsible for the standard washing and cleaning of the inside and outside of all vehicles and trucks, smog test, safety check, De-Identification and De-Logo. In some instances a vehicle may need repairs prior to being sold. Required repairs may include, but are not limited to, repairing or replacing a tire, replacing a dead battery, or painting the vehicle. Contractor shall create a quotation for the work to be done. It shall be sent to the City to be approved prior to the work being done. Approved costs of repairs shall be deducted from City's proceeds from the sale of the vehicle upon approval from the City. Other than the cost of repairs, all costs for preparing the vehicles for auction shall be Contractor's responsibility and shall be paid from Contractor's share, without setoff or deduction.
8. **DEPARTMENT OF MOTOR VEHICLES (DMV) DOCUMENTATION:** Contractor shall properly complete all necessary DMV paperwork to ensure the transfer of title from City to Seller for all City Property.
9. **NO GUARANTY OR WARRANTY:** City of Ripon does not guarantee the condition or quality of any item of City Property, and all items shall be sold in "as is" condition.

10. **RIGHT TO AUDIT RECORDS:** City shall be entitled to audit the books and records of Contractor to the extent that such books and records relate to the performance of this Agreement. Such books and records shall be maintained by the Contractor for a period of three (3) years from the date of final payment under this Agreement unless a shorter period is otherwise authorized in writing.

EXHIBIT "B"

FEE SCHEDULE

Auctioning service pricing shall include all costs for the services described. Prices shall remain in effect for the term of this Agreement.

[FEE SCHEDULE]

EXHIBIT "C"

WORKERS' COMPENSATION CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

- (a) By being insured against liability to pay compensation in one or more insurer duly authorized to write compensation insurance in this State.
- (b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code §1861).

By: _____

Date: _____

ATTACHMENT “4”

RESOLUTION NO. 13-57

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIPON ADOPTING POLICIES FOR THE DISPOSITION
OF CITY-OWNED REAL PROPERTY

WHEREAS, the City of Ripon currently owns numerous properties across the City which from time to time it may choose to sell; and

WHEREAS, the sale of City-owned properties should follow a clear process intended to ensure that the City is a good steward of public resources, the process is transparent to the public, and implements City vision.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ripon that the attached Real Property Disposition Policy is hereby adopted to guide the disposition of City-owned real property.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this
17th day of September, 2013, by the following vote:


AYES: Zuber, Nutt, Parks, Winn, Uecker

NOES: None

ABSENT: None

ABSTAINING: None

THE CITY OF RIPON
A Municipal Corporation

By 
DEAN UECKER, Mayor

ATTEST:

By 
LISA ROOS, City Clerk

**CITY OF RIPON
REAL PROPERTY DISPOSITION POLICY**

BACKGROUND

The City of Ripon is the owner of real property which is used for various municipal purposes. As public service needs change, the requirements for these properties may be revised, and on occasion, certain parcels may be found to be in excess of the City's current need. When property is classified as surplus or excess property, disposing of that property to maximize the benefit to the tax payers is essential.

PURPOSE

It is the purpose of this policy to provide guidance for the disposition or sale of City-owned real property classified as excess or surplus.

GENERAL POLICY

1. The City shall dispose of all City-owned real property in accordance with the law.
2. All final decisions regarding the terms on which City-owned real property will be disposed of are reserved to the City Council.
3. The City Administrator, or his or her designee, shall be responsible for disposing of City-owned real property in accordance with this Policy.

LEGAL REQUIREMENTS

1. The City shall dispose of property in a manner which is for the common benefit of the City's citizens in accordance with California Constitution, art XI, sec. 5, California Government Code § 37350, and Chapter 3.36 of the Ripon Municipal Code, as amended.
2. The City may dispose of surplus property on an annual basis in accordance with procedures set forth in California Government Code §§ 50569-50573, as amended.
3. Alternatively, City may find the public interest and convenience require disposition of real property in accordance with the procedures set forth in California Government Code §§ 37420-37430, as amended.
4. When disposing of City-owned real property acquired with either state or federal funds, the City shall consult with the City Attorney's office prior to disposing of the property.
5. When disposing of City-owned real property acquired by eminent domain, the City shall consult with the City Attorney's office prior to disposing of the property to ensure that the City complies with the requirements of eminent domain law.
6. Surplus City-owned residential real property shall be disposed of in the manner prescribed in California Government Code § 54236 *et seq.*, as amended.
7. Where City-owned non-residential real property may be declared surplus, the City must comply with California Government Code § 54220 *et seq.*, as amended.

PROCEDURE

1. Request for Disposition of City-Owned Real Property

The requesting department shall notify the City Administrator, or his or her designee, in writing of its desire to sell or otherwise dispose of property under its jurisdiction. All written requests to dispose of property shall include the location, zoning, legal description, plats, deed number(s), size, present use(s), deed restrictions, easements to be retained for City uses, right-of-way previously granted, and all other information relevant to the disposition of the property.

2. Determination of Value of Land

If the City Council determines that the property shall be sold, it shall authorize the City Administrator to sell the property for a price equal to or greater than the minimum price established by a current appraisal made by a qualified real estate appraiser. Notwithstanding the foregoing, no appraisal shall be required when the City Administrator reasonably determines that the property's estimated value is less than \$5,000.

3. Referral to Other Public Agencies

Before selling any surplus property, the City must comply with Government Code § 54220 *et seq.*, as amended. The City Administrator, or his or her designee, shall contact appropriate governmental agencies (local, state and regional) as to their interest as required by Government Code § 54220 *et seq.*, as amended. If the City receives no interest from any governmental agency, then the City Administrator, or his or her designee, shall offer the property to the public as otherwise described in this Policy.

4. Gift of Public Assets

No disposition of City-owned real property shall result in creating a gift of public assets.

5. Payment for City-Owned Surplus Property

Sales of City-owned real property shall be on an all cash basis or on such other terms that the City Council determines, in its discretion, will benefit the public.

6. Broker Representation

The City may represent itself in real estate transactions or engage the services of a licensed real estate broker as determined by the City Administrator, in his or her discretion.

ATTACHMENT “5”

Ripon City Council Minutes

TUESDAY, SEPTEMBER 17, 2013

CLOSED SESSION: The meeting was called to order at 6:00 p.m.

ROLL CALL: Council Members Jake Parks, Leo Zuber, Elden "Red" Nutt, Vice-Mayor Chuck Winn, Mayor Dean Uecker

OTHERS PRESENT: Deputy City Administrator/City Engineer Kevin Werner, Assistant City Attorney Stacy Henderson, City Clerk Lisa Roos, Police Chief Ed Ormonde.

IN THE MATTER OF:

Conference with Legal Counsel pursuant to Section 54956.9(2) of the California Government Code
– *City of Ripon v. Continental Insurance Company, et al.*, USDC, Eastern District of California,
Case No. 2:12-cv-01638-WBS-KJN

IN THE MATTER OF:

Conference with Legal Counsel.
Existing Litigation pursuant to §54956.9(2) of the California Government Code.
- Forks v. City of Ripon

There being no further business, the meeting adjourned at 6:55 p.m.

REGULAR MEETING

7:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order as indicated at 7:00 p.m. with Council Member Zuber leading in the Pledge of Allegiance to the Flag.

INVOCATION: Pastor Dave Schutt gave the invocation.

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

OTHERS PRESENT: Deputy City Administrator/City Engineer Kevin Werner, Assistant City Attorney Stacy Henderson, Planning Director Ken Zuidervart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, City Clerk Lisa Roos, Deputy City Clerk Jeanne D. Hall, Information Systems Technician Dan Brannon, Danielle Pierce, Stephanie Hobbs, Tamra Spade, Login Williams, Shane Estrada.

PUBLIC DISCUSSION: Stephanie Hobbs, Ripon, said that the Ripon High Stadium Project is ready to begin Stage 2 of the all-weather track project. She said that over 800 local donors and volunteers have already invested in this project. The kick-off for the \$350,000 Stage 3 projects will begin in October.

APPROVAL OF MINUTES: MOTION: MOVED/SECONDED (ZUBER, NUTT) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING OF SEPTEMBER 3, 2013.

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**

Highway Users Tax		\$45,354.44
-------------------	--	--------------------

B. COUNTY OF SAN JOAQUIN

State Transit Assistance Fund

Invoice 01421567	\$1,200.00	
------------------	------------	--

Invoice 01422435	\$106.00	
------------------	----------	--

TOTAL		\$1,306.00
-------	--	-------------------

C. AT&T

Acacia Avenue Cell Tower Lease		\$919.81
--------------------------------	--	-----------------

D. T-MOBILE

CPI - Cell Tower Base Rent		\$809.60
----------------------------	--	-----------------

2. Bills, Invoices, Payments**A. A.M. STEPHENS CONSTRUCTION**

Handicap Ramp & Sidewalk Improvements Progress Payment		\$9,785.00
---	--	-------------------

CONSENT CALENDAR, continued:

3. Miscellaneous Items

A. RIPON ANIMAL SERVICES BUILDING

Donation of Monument Sign

Accept the donation from Mona and Michael Restuccia for the manufacturing and installation of the granite monument sign at the animal services building.
(Donation: \$2,500.00)

☛ End of Consent Calendar ☛

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

4. PUBLIC HEARINGS

Notes:

A. UNMET TRANSIT NEEDS

San Joaquin Council of Governments
Anthony Zepeda, Associate Regional Planner

This is a public hearing to consider whether there are unmet transit needs within the City of Ripon.

Anthony Zepeda, COG, said that his position is with a federally designated regional planning agency. He mentioned that Vice Mayor Winn has served on the COG Board. He said that this step is part of the annual analysis required by the Transportation Development Act to determine unmet transit needs. He said it is an eight-month process that runs from August to April. The information gathered will be presented to the COG Board, and then forwarded to CalTrans. After the review, then the funds can be released for the various projects. His job is to coordinate the public outreach, such as the public hearing tonight, in order to access the public transit system.

Mayor Uecker asked about the Almond Blossom Express bus service.

Deputy City Administrator Werner said that the bus usage was doing OK – we are slowly building the ridership. He said that there will be another public workshop on October 3 at 6:00 p.m. to discuss changes in the routes.

Uecker asked that if we can get a second bus, can we help the school.

Werner said that staff has met with the school district, but a second bus is more than we can get now. Our bus only carries 30 people, but a school bus carries many more. We are just not at a stage financially where we can help.

Zepeda said that the Blossom Express has been very well received – but it takes time to get established. Also, there are federal regulations regarding school buses.

Council Member Nutt asked about the bus route.

Werner said that the route will be extended in that there will be more time at the mall, and a few more stops in town. He said that they want comments from the public.

Vice Mayor Winn said that bus service is unique in that it is driven by ridership. We are trying to fit the needs of our citizens; however, we can only increase service as money is available. He explained that bus service does not pay for itself.

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

4. PUBLIC HEARINGS, continued:

Notes:

B. SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN

Development Fee Amendment 2014 and
Adjustment to the Financial Model
Resolution No. 13-56

Consider the resolution to accept the Development Fee Amendment for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan for all new development pursuant to the SJMSCP within the City of Ripon and adjustment to the Habitat Plan Financial Model.

Planning Director Zuidervaart said this is the mandated annual public hearing. He said that the update is a minor increase. The funds are used to mitigate habitat impacts when development occurs.

Zuidervaart introduced Steven Mayo, the COG representative.

Council Member Zuber asked how much money has been collected.

Steven Mayo, Program Manager, SJMSCP, said that between 2001 and 2013, they have received about \$20 million. As soon as CalTrans approves a project, the money is used for that project. He said that there is about \$3 million yet to be spent in 2013/14. They use the money to purchase row-crop or field-crop agricultural land, easements and mineral rights, and they prohibit permanent crops on the purchased easements. He said that once money is collected, they are required to spend it within two years for acquisitions and to save for endowments.

Zuber stated that this is to keep development off agricultural land.

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (NUTT, ZUBER) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 13-56 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE."

5. RESOLUTIONS

A. RESOLUTION NO. 13-57

RESOLUTION OF THE CITY OF RIPON ADOPTING POLICIES FOR THE DISPOSITION OF CITY OWNED REAL PROPERTY

Adopt the Real Property Disposition Policy to guide the disposition of City-owned real property.
(Grand Jury Case No. 0312, requires that this resolution must be adopted by September 30, 2013.)

Assistant City Attorney Henderson said that this is part of the response to Grand Jury Case No. 0312 to adopt a resolution and policy for the disposition of real property.

Council Member Zuber asked if this just applies to land, or to vehicles too.

Henderson said that it is for land – real property.

Zuber said that the way he reads the policy, the council determines what property is to be disposed of, but then it is up to the City Administrator to deal with it.

Henderson said that in the General Policy, “All final decisions regarding the terms on which City-owned real property will be disposed of are reserved to the City Council.”

MOTION: MOVED/SECONDED (ZUBER, NUTT) AND CARRIED BY A 5-0 VOTE TO APPROVE THE RESOLUTION NO. 13-57.

6. DISCUSSION ITEMS

Notes:

A. ANIMAL SERVICES FEES AMENDMENTS

Animal Board Fee
AVID Micro-Chip
Discussion/Action

Approve the recommended fees for animal boarding and AVID micro-chips to cover the increased cost for these services.

Chief Ormonde said that staff reviewed the fee structure and found that the fees did not cover the costs. He said that the Ripon Department has the lowest fees in the county. The recommendation is to increase the daily boarding fee from \$4.00 to \$10.00; and to increase the AVID micro-chip fee from \$10.00 to \$15.00.

Council Member Zuber asked if the money will be used for any additional equipment.

Ormonde said that the micro-chip costs \$10.00, but does not cover the cost of anesthesia, or the tool used to insert the chip. He said that the last time fees were raised was in 2007.

MOTION: MOVED/SECONDED (NUTT, PARKS) AND CARRIED BY A 5-0 VOTE TO APPROVE INCREASING THE BOARDING FEE TO \$10.00 PER DAY, AND THE AVID MICRO-CHIP FEE TO \$15.00.

B. AGREEMENT TO PERFORM AUCTION SERVICES

Auction Surplus Property
Discussion/Action

Approve the agreement to be followed as policy when it is necessary to auction surplus property.
(Grand Jury Case No. 0312, requires that this agreement must be adopted by September 30, 2013.)

Assistant City Attorney Henderson said this is a policy for the city to get rid of all things that are not real property.

Public Works Director Johnston said that in the past, the City held our own auctions, but lately we have taken things to an auction house.

Council Member Zuber said that when someone signs the agreement, how do we get out of it.

Henderson said that the agreements are for a term of one year, but the agreements can be severed at any time with a 30-day notice.

MOTION: MOVED/SECONDED (NUTT, ZUBER) AND CARRIED BY A 5-0 VOTE TO APPROVE THE FORM AGREEMENT FOR THE PURPOSE OF AUCTION SERVICES.

REPORTS

Department Heads: Public Works Director Johnston thanked Mr. Harrison Gibbs for volunteering to replace the missing Botts' Dots downtown. He said that Gibbs replaced over 150 dots.

Deputy City Administrator Werner gave a report on the City's budget, stating that the City currently has \$645,000 in surplus. He said that the 2012/13 sale tax of \$2.8 million was the highest since 2008/09.

City Council: Vice Mayor Winn said that Mayor Uecker, Deputy City Administrator Werner and himself listened to a speaker talking about innovations in solar. He said that the cost is coming down and there are new ideas for residential use.

Winn also reported that Forward Landfill, located east of the airport, is looking to expand. He said they will be going before the Board of Supervisors next week with a request to expand from 23 million cubic yards to 55.5 million cubic yards. He said he is concerned about potential contamination from that much trash. He said that up to 80% of the trash will come from outside the county. He added that there is potential problems for the airport because of seagulls that are attracted to landfills. There would also be more traffic congestion from the trucks coming to and going from the landfill. He said that the BOS board will vote next Tuesday.

Uecker said that the expanded landfill would grow to 180 acres, and he is also concerned about what this will do to our water supply – the aquifer. He directed staff to prepare for a Special Meeting to discuss the issue on Thursday, at 5:00 p.m.

There being no further business, the meeting adjourned at 7:50 p.m.

(Signed) Dean Uecker

Mayor

ATTEST:

(Signed) Jeanne D. Hall

Deputy City Clerk

SUCCESSOR AGENCY:

There being no further business, the meeting adjourned at 8:27 p.m.

(Signed) Dean Uecker

Chairman

ATTEST:

(Signed) Ken Zuidervart

Director of Planning