



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
(The City Council also serves as the LRA Board)
City Hall North Council Chambers
6707 Third Street, Suite B • Riverbank • CA 95367

***REVISED**

AGENDA

TUESDAY, DECEMBER 9, 2014 – 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Cal Campbell
Council/Authority Member Darlene Barber-Martinez
Council/Authority Member Leanne Jones Cruz
Council/Authority Member Jeanine Tucker

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.
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1. PRESENTATIONS

- Item 1.1:** Presentation to the Riverbank Cub Scouts Pack 10.
- Item 1.2:** Update on Demographic Study Analyzing the City of Riverbank's At-Large System Pursuant to the California Voting Rights Act.
- Item 1.3:** Wastewater Treatment Plant Energy Efficiency Upgrade Project Update.
- *Item 1.4:** Presentation by the Stanislaus Business Alliance Regarding the Joint Implementation of the Countrywide Economic Development Plan and Marketing Strategy

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the May 16, 2014, Special City Council and Local Redevelopment Authority Minutes.

Item 3.B-1: Approval of the November 10, 2014, Special City Council and Local Redevelopment Authority Closed Session Minutes (Contains only the recording of the public portion of the meeting.)

Item 3.B-2: Approval of the November 10 2014, Special City Council and Local Redevelopment Authority Minutes.

Item 3.B-3: Approval of the November 25, 2014, Special City Council Minutes.

Item 3.B-4: Approval of the November 25, 2014, Regular City Council and Local Redevelopment Authority Minutes.

Recommendation:

It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Ordinance No. 2014-014 of the City Council of the City of Riverbank, California, Amending Title XI: Business Regulations, by adding Chapter 124: Simulated Gambling Devices, to the Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-014 and consider its adoption.

- Item 4.2:** **Second Reading by Title Only and Adoption of Ordinance No. 2014-015 of the City Council of the City of Riverbank, California, Amending Title IX: General Regulations, Chapter 95: Streets and Sidewalks; Section 95.46; Fees, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-015 and consider its adoption.

5. PUBLIC HEARINGS There are no items to consider.

6. NEW BUSINESS There are no items to consider.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Item 7.2: Council/Authority Member Comments

Item 7.3: Mayor/Chair Comments

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency representative: Jill Anderson, City Manager
Employee organizations: Riverbank Miscellaneous Employees
 Riverbank Mid-Management Bargaining Unit
 Riverbank Executive Management

Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 2007 Morrell Avenue (APN # 074-006-022 & #074-006-021)
Agency Negotiator: City Manager
Property Negotiator: Penny Riley and Melody Richardson
Under Negotiation: Price, terms of payment, or both

Recommendation: It is recommended that City Council / LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS**

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

ADJOURNMENT (The next regular City Council meeting –**Tuesday**, January 13 @ 6:pm)

(The regular City Council meeting of December 23rd has been cancelled.)

UPCOMING EVENTS:

December 17	§ <u>Old Time Christmas:</u> A fun festive time caroling, entertainment, and refreshments at the downtown Plaza Del Rio at 6:00 p.m.
Open Until Filled	§ <u>Budget Advisory Committee:</u> Applications are currently being accepted. Visit www.riverbank.org or Contact Marisela Garcia at 863-7110.
Open Until Filled	§ <u>Housing Authority Commission:</u> Applications are currently being accepted for two openings. Visit www.riverbank.org or Contact the City Clerk's office at 863-7198.
Ongoing	§ <u>City Hall Office Hours:</u> Mondays – Thursdays; 7:30 am to 5:30 pm Alternating Fridays 8:00 am – 5:00 pm; Closed <u>Friday, Dec. 5 & Dec. 19</u> For a calendar and time schedule visit www.riverbank.org
Ongoing	§ <u>Regular City Council Meetings:</u> 2nd and 4th Tuesday of each month at 6:00 pm

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the exterior City Hall bulletin board, next to the City Council Chamber entrance, 72 hours prior to the meeting pursuant to the Brown Act.

Posted this 4th day of December, 2014

/s/ Annabelle H. Aguilar, CMC, City Clerk / L R A Recorder

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION

Meeting Schedule	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, if available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Televised / Video of Meetings	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	December 9, 2014
Subject:	Presentation to the Riverbank Cub Scouts Pack 10
From:	Jill Anderson, City Manager
Submitted by:	Norma Torres-Manriquez, Administrative Analyst II/ Human Services Specialist

RECOMMENDATION

It is recommended that the City Council recognize the Riverbank Cub Scouts Pack 10 group for all their hard work and dedication to our Riverbank Community.

SUMMARY

Cub Scouts Pack 10 of Riverbank started in 2011 and has been actively giving to our community ever since. Cub Scouting is part of the Scouting program of the Boy Scouts of America (BSA), available to boys from first through fifth-grade, or 7 to 11½ years of age. This Pack of 30 boys is led by Cub Master Eric Humphreys.

This active Pack has volunteered in so many community activities such as Riverbank Cares Turkey drive, Love Riverbank, Scouting for Food (for the local food pantries), Clean up at the Park, Love your Pet's (collecting for pet food), Caroling at Riverbank Nursing Center, Riverbank Relay for Life, the Riverbank Christmas parade, presenting the flag colors at the annual State of the City Address, and donating two bicycles to the 2014 Riverbank Toys for Tots toy drive just to name a few.

The community appreciates all of their effort and commends this active group of boys for their community involvement. Our City also recognizes the commitment of these families to develop and nurture the skills and talents that will lead these young boys to become extraordinary citizens.

FINANCIAL IMPACT

There is no financial impact associated with this report.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	December 9, 2014
Subject:	Update on Demographic Study Analyzing the City of Riverbank's At-Large System Pursuant to the California Voting Rights Act
From:	Jill Anderson, City Manager
Submitted by:	Tom Hallinan, City Attorney

RECOMMENDATION

It is recommended that the City Council consider a presentation by Doug Johnson of National Demographic Corporation regarding the work the firm is doing in regards to the potential transition to District Elections and provide direction as it deems appropriate.

BACKGROUND

In 2013, the City received correspondence from the Latino Community Roundtable of Stanislaus County ("LCR") expressing concern that the City's current at-large electoral system may deprive Riverbank citizens of meaningful participation in the democratic process under the California Voting Rights Act ("CVRA"). In December 2013, the City issued a request for proposals to conduct a demographic study analyzing the City's at-large electoral system to evaluate whether a transition to a district election system is necessary.

On February 10, 2014, the City authorized National Demographic Corporation ("NDC") to prepare the demographic study and recommend steps necessary to ensure the City is in full compliance with all state and federal voting rights laws.

On May 13, the City Council adopted line drawing criteria for district boundaries. A presentation has been scheduled to update the City Council on the work done to date and a proposed schedule for work that will need to be done in 2015.

LEGAL CONTEXT FOR DISCUSSION

The CVRA as codified in Election Code section 14025 *et seq.* was passed in 2002 and provides a cause of action to members of any racial or ethnic group that can establish that its members' votes are diluted through the combination of racially polarized voting and an at-large election system. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660.)

Similar to the CVRA, the FVRA creates liability for vote dilution. A violation of the FVRA is established if “the political processes leading to nomination or election in a State or political subdivision are not equally open to participation by members of a protected class...in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. (42 U.S.C. § 1973(b).)

An individual seeking to prove an at-large system violates the CVRA must therefore demonstrate that racially polarized voting patterns have prevented a protected class from electing representatives from the same protected class. Election Code section 14028 provides that racially polarized voting can be determined by examining results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class. Courts have approved specific methodologies to determine the existence of racially polarized voting.

Due to the statistical nature of evaluating voting patterns within a particular population segment, the City must evaluate its present at-large electoral system in relation to the ethnic and protected class subgroups within the City. This analysis will not only provide the City with a clearer picture of voting patterns within the City, it will assist the City in determining whether a transition to a district electoral system is necessary or justified in compliance with the CVRA and FVRA.

FINANCIAL IMPACT

The City has allocated a budget of Twenty-Five Thousand Dollars (\$25,000) from the City’s General Fund to conduct the study. Additional funding is not being requested at this time.

ATTACHMENTS

There are no attachments to this staff report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.3

SECTION 1: PRESENTATIONS

Meeting Date:	December 9, 2014
Subject:	Wastewater Treatment Plant Energy Efficiency Upgrade Project Update
From:	Jill Anderson, City Manager
Submitted by:	Michael Riddell, Public Works Superintendent

RECOMMENDATION:

It is recommended that the City Council receive a presentation on the status of the Wastewater Treatment Plant (WWTP) Energy Efficiency upgrade.

SUMMARY

Michael Riddell, Public Works Superintendent, is scheduled to make a presentation to the City Council to report on the work being done to upgrade the City's WWTP through a partnership with Schneider Electric. Planning for the \$3.9 million project began in 2013 and construction began in August 2014. It is expected to be done in the first quarter of 2015.

The work is being done through an Energy Savings Performance Contract with Schneider Electric, which allows the annual savings in electricity to be used to fund the construction costs over time.

STRATEGIC PLAN

This project is consistent with the City's strategic plan, specifically the goal to improve and maintain infrastructure and facilities.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.4

SECTION 1: PRESENTATIONS

Meeting Date:	December 9, 2014
Subject:	Presentation by the Stanislaus Business Alliance Regarding the Joint Implementation of the Countrywide Economic Development Plan and Marketing Strategy
From:	Jill Anderson, City Manager
Submitted by:	Norma Torres-Manriquez, Administrative Analyst II/ Human Services Specialist

RECOMMENDATION

It is recommended that the City Council receive a presentation from David White, CEO of the Stanislaus Business Alliance and provide direction as it deems appropriate.

INTRODUCTION

The Stanislaus Economic Development and Workforce Alliance is a private-public organization. It is the unique blending of economic development activities and workforce development assistance that provides for professional one-stop services for existing and prospective companies in Stanislaus County. Within the Alliance are the following key departments:

- Corporate Relocation
- Business Assistance
- Small Business Development Center
- Business Resource Center
- Enterprise Zone
- Education Foundation
- Alliance Worknet

The Alliance is governed by a Board of Directors, which includes the City of Riverbank's Representative, Vice-Mayor Campbell. The City also pays annual dues to the organization in exchange for the economic development services provided to Riverbank businesses, as well as the City.

Revised

The Chief Executive Officer of the Alliance, David White, is scheduled to provide a report to the City Council regarding new initiatives, as well as an overview of current economic development activity.

FINANCIAL IMPACT

There is no fiscal impact at this time.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 9, 2014
Subject:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council/LRA Board approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 9, 2014
Subject:	Approval of the May 16, 2014, Special City Council and Local Redevelopment Authority Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council and Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the May 16, 2014, special City Council and Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. May 16, 2014, Special City Council and LRA Minutes



CITY OF RIVERBANK
SPECIAL CITY COUNCIL AND LOCAL
REDEVELOPMENT AUTHORITY MEETINGS

MINUTES
FRIDAY, MAY 16, 2014

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met in a special session at 8:30 a.m. on this date at the Riverbank Industrial Complex Conference Room, 5200 Claus Road, Modesto, California, with Mayor/Chair Richard D. O'Brien presiding.

ROLL CALL:

Present: Mayor/Chair Richard D. O'Brien; Vice Mayor/Chair Cal Campbell
Council/Authority Members: Darlene Barber-Martinez and Leanne Jones Cruz

Absent: Council/Authority Member Jeanine Tucker

CONFLICT OF INTEREST

Council/Authority Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict at this time.

No one declared a conflict.

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

Pursuant to Government Code 54954.3, in reference to a special meeting, the public has the opportunity to address the City Council/LRA Board only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

No one spoke.

2. INTRODUCTION OF FACILITATOR AND RECORDER

3. LRA - BUSINESS

Item 3.1: **Out of State Travel to Accept Award from Association of Defense Communities** – It is recommended that the City Council/Local Redevelopment Agency Board approve the expenditure of funds to send representatives from the City/Local Redevelopment Agency to Washington D.C. to accept an award for Base Redevelopment Excellence from the Association of Defense Communities.

City Manager Jill Anderson presented the staff report; LRA Board discussed the item.

ACTION: *By motion moved/seconded (Jones Cruz / Barber-Martinez / passed 4-0) to approve the out of state travel for LRA Executive Director Debbie Olson, Council/Authority Member Darlene Barber-Martinez, and City Manager Jill Anderson to accept the Base Redevelopment Excellence Award from the Association of Defense Communities in Washington D.C. as presented.*

Motion carried by unanimous LRA Board roll call vote.

AYES: *Barber-Martinez, Jones Cruz, Campbell, and Chair O'Brien*

NAYS: *None*

ABSENT: *Tucker*

ABSTAINED: *None*

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEM AND RECESSED THE CITY COUNCIL MEETING TO CLOSED SESSION AT 8:46 A.M. THE LRA BOARD RECESSED AT THIS TIME.

4. CLOSED SESSION

Item 4.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
Title: City Manager

MAYOR/CHAIR O'BRIEN RECONVENED THE CITY COUNCIL AND LRA BOARD MEETINGS.

5. REPORT FROM CLOSED SESSION

Item 5.1: Report from Closed Session Item 2.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Report from Closed Session: The Personnel Evaluation was completed.

6. CITY COUNCIL BUSINESS

Item 6.1: **City Council Team Building Session** – Discussion session on how to continue to build collegial relationships, and work together towards achieving effective and efficient public policies and processes.

The team building session ensued with City Council and City Staff.

7. CLOSING COMMENTS

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings.

ATTEST:

APPROVED:

Jill Anderson
City Manager

Richard O'Brien
Mayor

Attachment: Teambuilding Session Notes

CITY OF RIVERBANK

TEAMBUILDING SESSION

May 16, 2014 • Riverbank Industrial Complex

Marilyn Snider, Facilitator – Snider and Associates (510) 531-2904
Gail Tsuboi, Recorder – Tsuboi Design (925) 376-9151

CLARIFICATION OF EXPECTATIONS/NEEDS TO WORK TOGETHER EFFECTIVELY

WHAT ARE THE CITY COUNCIL MEMBERS DOING WELL WORKING TOGETHER?

Brainstormed Perceptions:

- Even with varying personalities and points of view, everyone is very respectful
- Every Council member is very engaging with the community
- Everyone is well prepared for meetings, regardless of the type of meeting
- We've resolved some issues in a very constructive ways; we're knocking out problems in a constructive way
- We're all very intelligent, which is why we do so well
- We're very responsible; we also serve through our extra meetings and assignments
- The public feels the City Council is no longer an embarrassment
- A very ethical and professional City Council
- The City Council understands its role as policymaker
- We all truly respect the City Council-City Manager form of civic duty
- We work together on covering all city events to ensure that at least one of us is always there
- The community thinks we're doing a good job; we receive their positive feedback
- We get through some difficult topics in a timely manner
- The Council, Mayor and staff comments at the end of the meeting are effective and appreciated
- We direct media inquiries to the appropriate people; the Mayor and City Manager confer on remarks to the press
- We are careful to be positive with the press
- It's a solution-oriented Council, willing to work
- We don't speak for each other or anyone else; we direct the press to the person in question
- We are a group of excellent leaders
- The Council understands the underlying factors that impact issues as part of their decision-making
- We are not getting bad press in the newspapers
- Staff is very appreciative of the City Council's support
- We, as a Council, appreciate the city staff and what they do for the city
- Meetings are very well run
- We have a good sense of humor
- We are open to different ways of thinking
- Council attendance has been great at City Council meetings
- We don't react/overreact too quickly; we maintain our composure and let the issue go
- We show the community that we do care by going to community activities (most of us are there)
- We are knocking out issues one-by-one that need to be resolved
- The Council deals well with the press
- It's a very positive City Council
- We and the staff have a true respect for whom we serve
- We're getting better response from the community
- We're building trust with the community
- We're reticent about our spending due to our financial situation
- We have long-range goals and a vision for the city and we're in unison about where we're going
- We're very respectful of the Brown Act

WHAT DO CITY COUNCIL MEMBERS EXPECT/NEED FROM EACH OTHER?

CONSENSUS LIST:

- We need to continue to have representation on issues such as North County Corridor, drought, other transportation issues
- We need to continue to give feedback to the other Council members about the committees we're on
- We need to know where we are going long-range and be knowledgeable about the General Plan
- We need to update our General Plan that reflects where we want to go as a city
- We need to bring up items on the dais that can be researched and brought back for a decision at another meeting
- We need to keep networking with other Councils and relay the information we gather to the rest of the City Council
- We want to continue doing the things we said in the other list about what the City Council is doing well

NEXT STRATEGIC PLANNING RETREAT: SEPTEMBER 30, 2014 (Tuesday); 8:00/8:30 am to 3:00 pm

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-1**

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 9, 2014
Subject:	Approval of the November 10, 2014, Special City Council and Local Redevelopment Authority Closed Session Minutes (Contains only the recording of the public portion of the meetings.)
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council and Local Redevelopment Authority Board approve the City Council / LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the November 10, 2014, special closed session of the City Council and Local Redevelopment Authority Board will only reflect the recording of the meetings that is not privileged or part of the Closed Session discussion. The minutes have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. November 10, 2014, Special City Council and LRA Closed Session Minutes



CITY OF RIVERBANK
SPECIAL CITY COUNCIL AND LOCAL
REDEVELOPMENT AUTHORITY MEETINGS
(CLOSED SESSION)

MINUTES
MONDAY, NOVEMBER 10, 2014

As a matter of record, Closed Session Minutes shall only reflect the allowable public disclosure portion of the meeting. The City records action minutes, which may contain added clarification for the record. No recording, other than these Minutes exist for this meeting.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met in a special session at 5:30 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

ROLL CALL:

Present: Mayor/Chair Richard D. O'Brien; Vice Mayor/Chair Cal Campbell
Council/Authority Member Darlene Barber-Martinez

Absent: Council/Authority Members: Leanne Jones Cruz and Jeanine Tucker

CONFLICT OF INTEREST

Any City Council /Authority Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council/LRA Board only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

No one spoke.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS TO BE CONSIDERED AND OPENED THE ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. MAYOR/CHAIR O'BRIEN RECESSED THE MEETINGS TO CLOSED SESSION AT 5:32 P.M.

2. CLOSED SESSION

LRA Item 2.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: APN #062-031-007; 062-031-006; 062-008-009

Agency Negotiator: Jill Anderson, City Manager

Property Negotiator: U.S. Army

Under Negotiation: Price, terms of payment, or both

Item 2.2: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Jill Anderson, City Manager

Employee organizations: Riverbank Miscellaneous Employees

Riverbank Mid-Management Bargaining Unit

Riverbank Executive Management

Recommendation:

It is recommended that City Council / Local Redevelopment Authority consider the item(s) and provide direction to Staff.

3. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 6:30 P.M.

LRA Item 3.1: Report from Closed Session on Item 2.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Chair O'Brien reported that direction was provided to Staff.

Item 3.2: Report from Closed Session on Item 2.2: CONFERENCE WITH LABOR NEGOTIATORS

Mayor O'Brien reported that this item was not considered.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 6:30 p.m.

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk/LRA Recorder

APPROVED:

Richard D. O'Brien
Mayor/Chair

DRAFT

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-2**

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 9, 2014
Subject:	Approval of the November 10, 2014, Special City Council and Local Redevelopment Authority Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council and Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the November 10, 2014, special City Council and Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. November 10, 2014, Special City Council and LRA Minutes



CITY OF RIVERBANK
SPECIAL CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY MEETINGS
(The City Council also serves as the LRA Board)

MINUTES
MONDAY, NOVEMBER 10, 2014

The following minutes reflect action minutes, which may contain added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met in a special session at 6:32 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

Reverend Charles Neal was present and performed the invocation.

ROLL CALL:

Present: Mayor/Chair Richard D. O'Brien; Vice Mayor/Chair Cal Campbell
Council/Authority Members: Darlene Barber-Martinez

Absent: Council/Authority Members: Leanne Jones Cruz, and Jeanine Tucker

CONFLICT OF INTEREST

Any Council/Authority Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict at this time.

No one declared a conflict.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

ACTION: *By motion moved/seconded (Campbell / Barber-Martinez / passed 3-0) to approve Consent Calendar Items 3.A as presented.*

Motion carried by unanimous City Council and LRA Board roll call vote.

AYES: *Barber-Martinez, Campbell, and Mayor/Chair O'Brien*

NAYS: *None*

ABSENT: *Jones Cruz, Tucker*

ABSTAINED: *None*

3. BUSINESS

Item 3.1: **A Resolution of the City Council of the City of Riverbank, California, Authorizing the City Manager to Execute a Contract with CivicPlus for the Design and Implementation of a New City Website and Appropriate \$11,700.00 in General Fund Reserves for the 2014-15 Fiscal Year – It is recommended that the City Council:**

1. Receive a presentation regarding the Website and Intranet Design proposal from CivicPlus.
2. Authorize the City Manager to execute an agreement with CivicPlus for the development of a new website & intranet design, including hosting services.
3. Amend the 2014/215 budget and appropriate funds from the General Fund Reserve in the amount of \$11,700 for the first year.

Alvaro Zamora, Human Resources Analyst, presented the staff report. Mr. Will Spicer, CivicPlus representative, made a website product and services presentation.

ACTION: *By motion moved/seconded (Barber-Martinez /Campbell /passed 3-0) to approve the authorization of the City Manager to execute an agreement with CivicPlus for the development of a new website and intranet design, including hosting services, and to amend the 2014/215 budget for the appropriation of funds from the General Fund Reserve in the amount of \$11,700 for the first year as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: *Barber-Martinez, Campbell, and Mayor O'Brien*

NAYS: *None*

ABSENT: *Jones Cruz, Tucker*

ABSTAINED: *None*

Item 3.2: **Advanced Funding Agreement for the Processing of the Crossroads West Specific Plan, General Plan Amendment, and Annexation and CEQA services – It is recommended by that the City Council, by minute action, authorize the City Manager to enter into an Advanced Funding**

Agreement to cover staffing, legal and special consultant charges anticipated with the processing of the Crossroads West Specific Plan and Annexation proposal.

John Anderson, Consultant Development Services Director, presented the staff report; City Council and Staff discussed the item.

Public Comment:

- *Mr. Daryl Daniels spoke in regards to Riverbank developing too quickly, maintaining a buffer between the City of Modesto and Riverbank, and the loss of agricultural land.*
- *Mrs. Evelyn Halbert spoke in regards to the cost of City staff time, the impact to City services, and inquired about the public release of a plan for public participation.*
- *Fire Chief Randall Bradley spoke in regards to the continued efforts in searching for the funding mechanism and the right location for a new fire station in Riverbank.*

Mayor O'Brien and Councilmember Barber-Martinez responded to the comments.

ACTION: *By motion moved/seconded (Barber-Martinez /Campbell /passed 3-0) to approve by minute order the authorization of the City Manager to enter into an Advanced Funding Agreement to cover staffing, legal and special consultant charges anticipated with the processing of the Crossroads West Specific Plan and Annexation proposal as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: *Barber-Martinez, Campbell, and Mayor O'Brien*

NAYS: *None*

ABSENT: *Jones Cruz, Tucker*

ABSTAINED: *None*

LRA Item 3.3: **Workshop Regarding the Memorandum of Agreement to the Economic Development Conveyance Application** – It is recommended that Riverbank Local Redevelopment Authority (“RLRA”) receive information in this public workshop regarding the Memorandum of Agreement (“MOA”) to the Economic Development Conveyance (“EDC”) application for transfer of the former Riverbank Army Ammunition Plant (“RAAP”).

Debbie Olson, LRA Executive Director, provided an update of the transfer steps taken to-date on the former Riverbank Army Ammunition Plant property.

Ms. Olson introduced Attorney George Schlossberg, who presented the steps of accomplishing the MOA, and Attorney Barry Steinberg who presented the steps of the environmental process and obligations of the property.

Ms. Olson concluded with the presentation with a synopsis the advantages and disadvantages of the conveyance.

CITY COUNCIL/LRA COMMENTS:

Mayor/Chair O'Brien spoke in regards to remembering those on Veteran's Day, who gave their lives for the freedoms we enjoy and the cost of that freedom, and invited Veterans to Saturday's luncheon at the Community Center.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS, AND STATED THAT THE LRA ITEM 4.2 HAD BEEN DISCUSSED EARLIER IN THE [SPECIAL] CLOSED SESSION, AND WOULD NOT BE DISCUSSED AGAIN. THE ITEMS WERE OPENED FOR PUBLIC COMMENT; NO ONE SPOKE. MAYOR O'BRIEN RECESSED THE CITY COUNCIL MEETING TO CLOSED SESSION AT 8:00 P.M. THE LRA MEETING RECESSED AT THIS TIME.

4. CLOSED SESSION

Item 4.1: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Jill Anderson, City Manager

Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit
Riverbank Executive Management

LRA Item 4.2: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: APN #062-031-007; 062-031-006; 062-008-009

Agency Negotiator: Jill Anderson, City Manager

Property Negotiator: U.S. Army

Under Negotiation: Price, terms of payment, or both

Recommendation:

It is recommended that City Council / Local Redevelopment Authority consider the item(s) and provide direction to Staff.

5. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE CITY COUNCIL AND LRA MEETINGS AT 8:53. P.M.

Item 5.1: Report from Closed Session on Item 4.1: CONFERENCE WITH LABOR NEGOTIATORS

Mayor O'Brien reported that direction was provided to staff.

LRA Item 5.2: Report from Closed Session on LRA Item 4.2: **CONFERENCE
WITH REAL PROPERTY NEGOTIATORS**

(This item was not considered)

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:35 p.m.

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

APPROVED:

Richard D. O'Brien
Mayor / Chair

DRAFT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B-3

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 9, 2014
Subject:	Approval of the November 25, 2014, Special City Council Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the Special City Council Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the November 25, 2014, special City Council a meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. November 25, 2014, Special City Council Minutes



CITY OF RIVERBANK
SPECIAL CITY COUNCIL MEETING
MINUTES
TUESDAY, NOVEMBER 25, 2014

The following minutes reflect action minutes, which may contain added clarification. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council of the City of Riverbank met in a special session at 5:30 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Minister Trudy Jewel of the New Life Church

ROLL CALL:

Present: Mayor Richard D. O'Brien; Vice Mayor Cal Campbell
Councilmembers: Darlene Barber-Martinez and Leanne Jones Cruz

Absent: Councilmember Jeanine Tucker

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

Pursuant to Government Code 54954.3, in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

No one spoke.

2. BUSINESS

Item 2.1: A Resolution of the City Council of the City of Riverbank, California, Reciting the Fact of the Consolidated General Municipal Election Held on November 4, 2014, and Declaring the Results and Such Other Matters as Provided by Law – It is recommended that the City Council adopt a resolution reciting the official certified results of

Riverbank's Consolidated General Municipal Election held on November 4, 2014, for the purpose of declaring elected the persons for whom the highest number of votes were cast for the two offices of Councilmember; each to serve a four-year term that expires November 2018.

City Clerk/Elections Official, Annabelle Aguilar, presented the certified election results and the resolution.

ACTION: *By motion moved/seconded (Barber-Martinez /Campbell / passed 4-0) to adopt Resolution No. 2014-082 reciting the official certified results of Riverbank's Consolidated General Municipal Election held on November 4, 2014, for the purpose of declaring elected the persons for whom the highest number of votes were cast for the two offices of Councilmember, which were incumbents Calvin Campbell and Leanne Jones Cruz; each to serve a four-year term that expires November 2018 as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: *Barber-Martinez, Jones Cruz, Campbell, and Mayor O'Brien*

NAYS: *None*

ABSENT: *Tucker*

ABSTAINED: *None*

Item 2.2: **Seating of the Newly Elected Councilmembers.**

- A.** Oath administered and Certificate of Election presented to Cal Campbell and Leanne Jones Cruz, initiating their four-year terms as Councilmembers of the City of Riverbank City Council; expiring November 2018.

City Clerk/Elections Official, Annabelle Aguilar, administered the Oath of Office and presented the Certificates of Election and Oath of Office to newly elected Councilmember Calvin Campbell and Councilmember Leanne Jones Cruz.

- B.** Newly elected Councilmembers to take their seats at the dais.

After a brief picture taking session, Councilmembers Campbell and Jones Cruz took their seats at the dais.

C. Comments:

- a.** Councilmember Campbell

Councilmember Campbell thanked everyone who supported him for his re-election and stated he would do his very best to move the City forward in the next four years.

b. Councilmember Jones Cruz

Councilmember Jones Cruz thanked everyone for attending the evening's meeting, thanked the City for conducting a good election, and stated she was pleased to be here.

c. Mayor and other Members of the Council

Councilmember Barber-Martinez welcomed both Councilmembers back to the City Council.

Mayor O'Brien commended City Clerk Annabelle Aguilar for another successful administered election and another proud moment for the City.

d. City Manager

City Manager Jill Anderson congratulated the newly elected Councilmembers and extended Councilmember Tucker's congratulations to them in her absence; stating that Councilmember Tucker was on medical leave, but wished she could have been in attendance. City Manager Anderson congratulated the entire City Council for their fine representation of the community.

ROLL CALL OF THE NEW RIVERBANK CITY COUNCIL

Present: Mayor Richard D. O'Brien
Councilmember Darlene Barber-Martinez
Councilmember Cal Campbell
Councilmember Jones Cruz

Absent: Councilmember Jeanine Tucker

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 5:41 p.m.

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-4**

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 9, 2014
Subject:	Approval of the November 25, 2014, Regular City Council and Local Redevelopment Authority Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council and Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the November 25, 2014, regular City Council and Local Redevelopment Authority Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. November 25, 2014, Regular City Council and LRA Minutes



CITY OF RIVERBANK
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY MEETINGS
(The City Council also serves as the LRA Board)

MINUTES
TUESDAY, NOVEMBER 25, 2014

The following minutes reflect action minutes, which may contain added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal

ROLL CALL:

Present Mayor/Chair Richard D. O'Brien; Vice Mayor/Chair Cal Campbell
Council/Authority Members: Darlene Barber-Martinez and
Leanne Jones Cruz

Absent: Councilmember Jeanine Tucker

CONFLICT OF INTEREST

Any Council/Authority Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Presentation to Vena Pearson-Hudgins, owner of Vena's Secret.

Mayor O'Brien presented the Certificate of Recognition to Ms. Pearson-Hudgins, who spoke in regards to the success of her new establishment in downtown Riverbank providing fitness and skin care services.

Item 1.2: Presentation to Lana Clayton of Farmers Insurance.

(This item did not occur.)

Item 1.3: Presentation to Paul and Debbie Fincher.

Mayor O'Brien presented a Certificate of Recognition to Paul and Debbie Fincher for their River Cove neighborhood advocacy in addressing issues and resolutions as residents. Mr. Fincher expressed appreciation for City Staff's assistance provided to their group.

City Manager Jill Anderson announced that Attorney Nubia Goldstein of [the law offices of] Churchwell White was sitting in for City Attorney Tom Hallinan, and that Attorneys Jamie Garrett who supports the Planning Commission and Kerry Fuller who also worked on a couple of the evening's agenda items were in the audience, and thanked them for their attendance.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

Ramon Bermudez, Riverbank, spoke in regards to supporting Federal Bill HR 3850 that addressed funding and services for older adult, and spoke in regards to light repairs needed at various locations; and welcomed Councilmembers Campbell and Jones Cruz back to the City Council.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the October 14, 2014, City Council / Local Redevelopment Authority Minutes.

Item 3.B-1: Approval of the October 28, 2014, City Council / Local Redevelopment Authority Minutes.

Recommendation:

It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

Reference Item 3.B: City Manager Jill Anderson stated a correction to the minutes of October 14th, Item 5.2, would be changed to reflect that the “no” vote was made by Mayor O’Brien.

ACTION: *By motion moved/seconded (Jones Cruz / Barber-Martinez / passed 40) to approve Consent Calendar Items 3.A through 3.B-1, with the amendment to be made to Item 3.B, as presented.*

Motion carried by unanimous City Council and LRA Board roll call vote.

AYES: *Barber-Martinez, Jones Cruz, Campbell, and Mayor/Chair O’Brien*

NAYS: *None*

ABSENT: *Tucker*

ABSTAINED: *None*

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

The Public Hearing Notices for the following items 5.1, 5.2, and 5.4, to be considered by the City Council were published in the local newspaper of general circulation on November 12, 2014. Public Hearing Item 5.3 was published in the November 5, 2014, issue.

Item 5.1: **Introduction and Adoption of Urgency Ordinance No. 2014-013 of the City Council of the City of Riverbank, California, to Extend the Temporary Moratorium on the Establishment and Operation of New Hookah Lounges, E-Cigarette Lounges, Vapor Bars, and Drug Paraphernalia Retailers within the City’s Boundaries** – It is recommended that the City Council introduce and adopt Urgency Ordinance No. 2014-013 of the City Council of the City of Riverbank, California, to extend a Temporary Moratorium on the Issuance of Permits or Licenses for the Establishment and Operation of New Hookah Lounges, E-Cigarette Lounges, Vapor Bars, And Drug Paraphernalia Retailers within the Boundaries of the City.

John Anderson, Consultant Development Services Director, presented the staff report.

Mayor O’Brien opened the Public Hearing at 6:19:25 p.m.

· No one spoke for or against the item.

Mayor O’Brien closed the Public Hearing at 6:19:36 p.m.

ACTION: *By motion moved/seconded (Barber-Martinez / O’Brien / passed 40) to adopt Urgency Ordinance No. 2014-013 of the City Council of the City of Riverbank, California, to Extend the Temporary Moratorium on the Establishment and Operation of New Hookah Lounges, E-Cigarette Lounges, Vapor Bars, and Drug Paraphernalia Retailers within the City’s Boundaries as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martinez, Jones Cruz, Campbell, and Mayor O'Brien

NAYS: None

ABSENT: Tucker

ABSTAINED: None

Item 5.2: **First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank, California, Amending Title XI: Business Regulations, by adding Chapter 124: Simulated Gambling Devices, to the Riverbank Code of Ordinances** – It is recommended that the City Council introduce an ordinance for first reading prohibiting business centers and internet cafes that use simulated gambling devices to increase sales of their services.

John Anderson, Consultant Development Services Director, presented the staff report.

Mayor O'Brien opened the Public Hearing at 6:21:15 p.m.

· *No one spoke for or against the item.*

Mayor O'Brien closed the Public Hearing at 6:21:25 p.m.

ACTION: *By motion moved/seconded (Campbell / Barber-Martinez / passed 4-0) to approve the First Reading and Introduction of Ordinance No. 2014-014 of the City Council of the City of Riverbank, California, Amending Title XI: Business Regulations, by adding Chapter 124: Simulated Gambling Devices, to the Riverbank Code of Ordinances as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martinez, Jones Cruz, Campbell, and Mayor O'Brien

NAYS: None

ABSENT: Tucker

ABSTAINED: None

Item 5.3: **A Resolution of the City Council of the City of Riverbank, California, Accepting the Fiscal Year 2013-14 Annual AB 1600 Report of System Development Fee Activity** – It is recommended that the City Council adopt a resolution accepting the fiscal year 2013-14 Annual AB 1600 Report of System Development Fee Activity.

Dawndi Morrell, Accounting Manager, presented the staff report.

Mayor O'Brien opened the Public Hearing at 6:28:10 p.m.

· *No one spoke for or against the item.*

Mayor O'Brien closed the Public Hearing at 6:21:21 p.m.

ACTION: *By motion moved/seconded (Barber-Martinez / Jones Cruz / passed 4-0) to approve Resolution No. 2014-083 accepting the Fiscal Year 2013-14 Annual AB 1600 Report of System Development Fee Activity as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martinez, Jones Cruz, Campbell, and Mayor O'Brien

NAYS: None

ABSENT: Tucker

ABSTAINED: None

Item 5.4: **An Ordinance of the City Council of the City of Riverbank, California, Amending Title IX: General Regulations, Chapter 95: Streets and Sidewalks; Section 95.46; Fees, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council consider an Ordinance amending Title 9: General Regulations, Chapter 95: Streets and Sidewalks, Section 95.46: Fees, of the City of Riverbank Code of Ordinances to allow for encroachment permit fees to be established by Resolution.

Marisela Garcia, Director of Finance, persented the staff report; clarifying that the amendment to the ordinance was to:

- 1) update the title of the responsible department from Public Works to Development Services; and*
- 2) to allow the permit fee to be changed by resolution rather than by an ordinance amendment.*

City Council and Staff discussed the item.

Mayor O'Brien opened the Public Hearing at 6:36:47p.m.

· No one spoke for or against the item.

Mayor O'Brien closed the Public Hearing at 6:36:59 p.m.

ACTION: *By motion moved/seconded (Campbell / Barber-Martinez / passed 40) to approve the First reading and Introduction by title only of Ordinance No. 2014-015 of the City Council of the City of Riverbank, California, Amending Title IX: General Regulations, Chapter 95: Streets and Sidewalks; Section 95.46; Fees, of the City of Riverbank Code of Ordinances as presented.*

Motion carried by unanimous City Council roll call vote.

Ayes: Barber-Martinez, Jones Cruz, Campbell, and Mayor O'Brien

Nays: None

Absent: Tucker

Abstained: None

6. NEW BUSINESS

LRA - Item 6.1: **Accept Report on Status of LRA Budget for First Quarter FY 2014/15** – It recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and approve the status report on the LRA budget for the first quarter of fiscal year 2014/15.

Melissa Holdaway, LRA Administrative Analyst, presented the budget report; Chair O'Brien inquired about any areas of concern for payment.

Authority Members agreed to remain with the new report format that was presented.

ACTION: *By motion moved/seconded (Jones Cruz / Barber-Martinez / passed 4-0) to accept the First Quarter LRA Budget Report of 2014/15 as presented.*

Motion carried by unanimous Local Redevelopment Authority Board roll call vote.

Ayes: Barber-Martinez, Jones Cruz, Campbell, and Chair O'Brien

Nays: None

Absent: Tucker

Abstained: None

Item 6.2 **Adjustments to 2015 City Council Meeting Schedule** – It is recommended that the City Council consider cancelling the meetings of May 26, September 8, and December 22, 2015 to minimize conflicts with holiday activities.

City Manager Jill Anderson presented the staff report; City Council and Staff discussed the item.

All Council Members agreed with the adjustments of cancelling the regular meetings of May 26, September 8, and December 22, 2015, as presented, with the addition of the first meeting of July 14; no one objected.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Sue Fitzpatrick, Director of Parks and Recreation, announced the November 29th Christmas events, including parade floats by the Parks and Recreation Department and a Public Works Department. Councilmember Barber-Martinez commented on the beautiful and festive the downtown area looked with all Christmas lights.

Michael Riddell, Superintendent of Public Works, explained the difference in repairing City streetlights and PG&E streetlights in response to Mr. Bermudez's earlier comments. City Manager Anderson congratulated the new Councilmembers, and commented on looking forward to the Christmas events on Saturday and a extended a Happy Thanksgiving to everyone.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz: 1) thanked everyone for their vote of confidence and stated she looked forward to serving the community in the next four years, 2) reported on her

volunteerism at the Veteran's luncheon, encouraging everyone to consider opportunities to volunteer, and 3) wished everyone a Happy Thanksgiving.

Council/Authority Member Barber-Martinez: 1) thanked the audience for attending the meeting, 2) encouraged everyone to attend the community events and wished everyone a Happy Thanksgiving, and 3) encouraged everyone to remember others who may be less fortunate at this time.

Vice/Chair Mayor Campbell reminded everyone that this was a time to help others in need; consider donating food or reaching out to local organizations that help others during this time, and stated he was overjoyed for not having to run for office for another four years.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) stated that he visited with Councilmember Tucker to discuss issues that will be faced next year; one of interest to her was to conduct a study session on the feral cat and to collaborate on the development of an ordinance, 2) commented on various issues that need swift action next year such as the annexation processes, and 3) publicly reiterated that the City begin utilizing friends to access easement rights on the railroad for possible expansion or beautification or both; especially along Patterson Road, or at least begin a dialog.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

MAYOR/CHAIR O'BRIEN ANNOUNCED ITEM 8.1 AND OPEN THE ITEM FOR COMMENTS; NO ONE SPOKE. THE CITY COUNCIL RECESSED INTO CLOSED SESSION AT 7:04 P.M. THE LRA BOARD RECESSED AT THIS TIME.

Item 8.1: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Jill Anderson, City Manager

Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit
Riverbank Executive Management

Recommendation:

It is recommended that City Council / LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE CITY COUNCIL AND LRA MEETINGS AT 7:51 P.M.

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS**

Mayor O'Brien reported that direction was provided to staff.

10. INFORMATIONAL ITEMS (Information Only – No Action)

Item 10.1: Warrant Register for 10/23/2014 and 10/30/2014.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:52 p.m.

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

APPROVED:

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	December 9, 2014
Subject:	Second Reading by Title Only and Adoption of Ordinance No. 2014-014 of the City Council of the City of Riverbank, California, Amending Title XI: Business Regulations, by adding Chapter 124: Simulated Gambling Devices, to the Riverbank Code of Ordinances
From:	Jill Anderson, City Manager
Submitted by:	John B. Anderson, Contract Community Development Director Annabelle Aguilar, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-014 and consider its adoption.

ACTION TO-DATE

A Public Hearing was conducted at the regular City Council meeting on November 25, 2014, for the first reading and introduction by title only of Ordinance No. 2014-014, and to receive public opinions or evidence for or against the Ordinance. After taking into account all the information presented, the City Council approved the Ordinance for its second reading and consideration of its adoption at the December 9, 2014, regular City Council meeting.

SUMMARY

Businesses describing themselves as business centers and internet cafes have opened across the state. While most of these businesses provide customers with access to personal computers, photocopiers, and facsimile services and nothing more, some of these businesses use a sweepstakes-like promotion that interacts with a simulated gambling device to increase sales of their services. As of January 1, 2015, state law will hold that businesses engaged in a sweepstakes-like promotion revealed through a simulated gambling computer interface to increase the sale of their services are engaged in an illegal activity.¹

¹ Stats. 2014, ch. 592, Assembly Bill 1439 amending Section 17539.1 of the Business and Professions Code, relating

The proposed ordinance (the “Ordinance”) also addresses these types of businesses. **The Ordinance includes a more expansive definition of what constitutes a payoff as a result of the simulated gambling device. The state law focuses on the exchange of money while the Ordinance includes the exchange of merchandise or anything else of value.** This allows City staff to more easily identify these businesses and ensure that they do not operate through a loophole in state law. This combination of state law and the Ordinance ensures that these types of businesses cannot operate within the City of Riverbank (“City”).

While the Ordinance prohibits the opening of business centers and internet cafes that provide devices with a simulated gambling interface, internet cafes and business centers that do not use their computers for that type of interface may still open without difficulty. The Ordinance prohibits individuals from using and businesses from providing “simulated gambling devices.” The definition of “simulated gambling device” is limited to “any device that, upon connection with an object, is available to play or operate a computer simulation of any game, where the play or operation of the device may deliver or entitle the person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person’s designee.” This means that business centers and internet cafes using simulated gambling devices will not be able to open or operate in the City. Therefore, the City will still be able to allow internet cafes and business centers without the sweepstakes promotions involving simulated gambling devices to open and operate in the City.

Additionally, where cities have had business centers and internet cafes using simulated gambling devices open, the process to close them down has proven difficult and costly. Despite the Bureau of Gambling Control’s Law Enforcement Advisory in 2012 stating that business centers and internet cafes using simulated gambling devices are illegal gambling operations,² cities and counties have had to bring claims in court against these businesses to close them.³ Even after one county prevailed in its case against several business centers and internet cafes using simulated gambling devices located in the county, one of the internet cafes using simulated gambling devices operating in the county had to be shut down by police.⁴ The owners were operating a slightly different kind of sweepstakes and believed their operation to be legal despite the court ruling.

BACKGROUND

Business centers and internet cafes engaged in the sweepstakes-like promotion operate by offering entries into a sweepstakes with every purchase of computer or

to sweepstakes, available at: <http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1401-1450/ab_1439_bill_20140926_chaptered.html>.

² Bureau of Gambling Control, Law Enforcement Advisory No. 11 Internet Cafes (Dec. 5, 2012) p.1 <http://oag.ca.gov/sites/all/files/agweb/pdfs/gambling/internet_cafes.pdf?>.

³ *People v. Grewal*, *supra*, 224 Cal.App.4th 527.

⁴ Assem. Com. on Governmental Organization, Rep. on Assem. Bill No. 1439 (2013-2014 Reg. Sess.) Mar. 24, 2014, p. 4.

phone card time. Customers are provided with a certain number of credits based on the amount of computer or phone card time purchased. For example, an internet access business using simulated gambling devices may offer customers one hundred (100) sweepstakes credits for every one dollar (\$1.00) of computer or phone card time each customer purchases.

The credits are used at the computer terminals located inside the internet access businesses using simulated gambling devices. The computers inside internet access businesses using simulated gambling devices can number anywhere from just a few to over one hundred (100). Customers play games on the computers that resemble Vegas-style games of chance such as slot machines. These games offer customers the possibility of winning cash prizes and often create a casino-type atmosphere in the internet access businesses using simulated gambling devices. Customers have the option of cashing in any winnings or using those winnings to purchase additional credits and continue playing games on the computer. The cash prizes won can range anywhere from one dollar (\$1.00) to thousands of dollars. The resemblance of the games on the computers to casino-style games, and the possibility of winning cash prizes by playing those games, is often a driving factor for the customers that patronize the internet access businesses using simulated gambling devices.

Cities where internet access businesses using simulated gambling devices have opened around the state have received numerous complaints regarding the secondary impacts from these types of businesses. The complaints include individuals engaged in other illegal gambling activity outside of the businesses such as dice games, loitering outside of the business, and late night noise that disturbs residences located near the businesses. The secondary impacts of the internet access businesses using simulated gambling devices result from customers using the computers for hours at a time to play the Vegas-style games. This ongoing use can result in long lines of people waiting to gain access to a computer at the internet access businesses using simulated gambling devices.

FINANCIAL IMPACT

Passing the Ordinance means the City will forego the revenue from business license applications of businesses that are internet access businesses using simulated gambling devices. However, given the status of these business as illegal gambling operations, the City will save the costs of closing the businesses once the new state law goes into effect and of responding to complaints due to any secondary impacts that might arise. Therefore, in the long term the Ordinance should result in a cost savings to the City.

ENVIRONMENTAL DETERMINATION

The Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the

environment, directly or ultimately. Therefore, no CEQA analysis of the project is required.

STRATEGIC GOALS

The proposed Ordinance is in compliance with the City of Riverbank Strategic Planning Session and Objectives. Specifically, this Ordinance helps fulfill the three-year goal of “Enhance Public Safety” by prohibiting the opening of business centers and internet cafes that provide devices with a simulated gambling interface.

ATTACHMENT

1. Ordinance No. 2014-014

CITY OF RIVERBANK

ORDINANCE NO. 2014-014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XI: BUSINESS REGULATIONS, BY ADDING
CHAPTER 124: SIMULATED GAMBLING DEVICES, TO THE RIVERBANK CODE OF
ORDINANCES**

WHEREAS, businesses using simulated gambling devices that describe themselves variously as business centers and internet cafes have opened throughout the state. These businesses purport to offer customers access to personal computers, photocopy and facsimile services. In an apparent effort to promote the sale of such services the business offers entries into a sweepstakes, the result of which may be revealed in several ways, including by playing games on the businesses' computers. Patrons can select from multiple games, many of which have the appearance of casino-style games of chance, such as slot machines. Winning sweepstakes entries may be redeemed at the business for cash payouts; and

WHEREAS, businesses that utilize simulated gambling devices, such as those found in such business centers and internet cafes present unique challenges for local government. These businesses provide the allure of traditional gambling by offering casino-like computer games and cash prizes without facing the strict regulations imposed by the state on traditional gambling; and

WHEREAS, the California Legislature passed and Governor Brown signed into law Assembly Bill No. 1439 that establishes that sweepstakes-like promotion tied into the use of simulated gambling devices is an unfair business practice as of January 1, 2015; and

WHEREAS, many of the negative community impacts that might be expected from a gambling establishment have manifested themselves in relation to business centers and internet cafes that provide simulated gambling devices throughout the State; and

WHEREAS, in order to protect the public health, safety and welfare, the City of Riverbank ("City") is adopting this ordinance to prohibit the possession or use of simulated gambling devices, including any related activity or behavior which can be reasonably construed to be the use of a simulated gambling device.

**Section 1: THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES
ORDAIN AS FOLLOWS:**

Title XI: Business Regulations, of the Riverbank Municipal Code of Ordinances shall be amended by adding Chapter 124: Simulated Gambling Devices, and shall read as follows:

TITLE XI, BUSINESS REGULATIONS

Chapter

124. SIMULATED GAMBLING DEVICES

§ 124.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PERSON. An individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer, or manager of an association, partnership, joint venture, corporation, or other organization.

SIMULATED GAMBLING DEVICE. Any device that, upon connection with an object, is available to play or operate a computer simulation of a game, where the play or operation of the device may deliver or entitle to a person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person's designee. The following rules of construction apply to the definition of "simulated gambling device":

(1) **DEVICE.** Any mechanical or electrical contrivance, computer, terminal, video, or other equipment that may or may not be capable of downloading games from a central server system, machine, computer, or other device or equipment. The meaning of device also includes any associated equipment necessary to conduct the operation of the device.

(2) **UPON CONNECTION WITH.** The insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.

(3) **OBJECT.** A coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.

(4) **PLAY OR OPERATE** or **PLAY OR OPERATION**. Includes the use of skill, the application of the element of chance, or both.

(5) **COMPUTER SIMULATION**. Includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

(6) **GAME**. Includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest, or other promotion, lotto, or any other game associated with gambling or which could be associated with gambling. "Game" does not necessarily imply gambling as that term may be defined elsewhere.

(7) **PAYOFF**. Is cash, monetary or other credit, billet, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

(8) **GAMBLING**. In the term "simulated gambling device" is for convenience of reference only. "Simulated gambling device" as used in this Chapter is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

§ 124.02 SIMULATED GAMBLING DEVICES PROHIBITED.

(A) Every person who manages, supervises, maintains, provides, produces, possesses or uses one or multiple simulated gambling device(s) for commercial purposes is guilty of a misdemeanor. Each individual act to manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of this section.

(B) An individual is not prohibited from personal, recreational, and non-commercial ownership, possession, play, operation, or use of a device which could be construed to be a simulated gambling device.

§ 124.03 STATE GAMBLING LAW PREEMPTION.

Nothing in this chapter is intended to conflict with the provision of state law concerning gambling, slot machines, gambling devices, or lotteries. In the event of a direct and express conflict between this chapter and state law, California law, as applicable, controls.

Section 2: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

Section 3. The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on November 25, 2014. Said ordinance was given a second reading at a regular meeting of said Council on December 9, 2014.

PASSED AND ADOPTED by the City council of the City of Riverbank at a regular meeting on December 9, 2014; motioned by Councilmember _____ seconded by Councilmember _____; moved said ordinance for adoption by a roll call vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.2

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	December 9, 2014
Subject:	Second Reading by Title Only and Adoption of Ordinance No. 2014-015 of the City Council of the City of Riverbank, California, Amending Title IX: General Regulations, Chapter 95: Streets and Sidewalks; Section 95.46; Fees, of the City of Riverbank Code of Ordinances
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance Annabelle Aguilar, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of Ordinance No. 2014-015 and consider its adoption.

ACTION TO-DATE

A Public Hearing was conducted at the regular City Council meeting on November 25, 2014, for the first reading and introduction by title only of Ordinance No. 2014-015, and to receive public opinions or evidence for or against the Ordinance. After taking into account all information presented, the City Council approved the Ordinance for its second reading and consideration of its adoption at the December 9, 2014, regular City Council meeting.

SUMMARY

The Development Services Department has begun an evaluation of the current fee structure for a variety of permits, including encroachment permits. This proposed ordinance amendment will change as follows:

- 1) *Changes the Department.* Any person working within the City right-of-way must obtain an encroachment permit from the ~~Public Works Department~~ Development Services Department.
- 2) *Changes permit fee by resolution.* A fee shall be charged for each permit issued pursuant to this subchapter. The fee shall be paid prior to the issuance of any permit. ~~The fee for the permit shall be \$75.~~ The fee for the permit shall be established by the City Council via Resolution, and can be amended from time to time.

This amendment will allow for a more streamlined process to update and adopt new encroachment permit rates that will recapture the City's costs in performing the necessary inspections associated with work being performed within the City's right-of-way within the appropriately stated Department.

BACKGROUND

Currently, the City issues encroachment permits to a party that is proposing to perform any type of construction or work or placing any object or thing, whether permanent or temporary, within the City's public right-of-way. The City's public right-of-way includes its streets, sidewalks, curb and gutters. Types of construction that trigger the requirement for an encroachment permit include reconstruction of a sidewalk or driveway, connections to the city's sewer, water and storm drain system, and the installation of backflow devices.

The City's current encroachment permit fee of \$75 was established in order to recoup the costs associated with the administrative and inspection work related to the issuance of the permit. Such work includes: processing of the permit, review of the proposed work plans, review of traffic control plans, and the inspections performed by the City's Construction Inspector. The flat rate of \$75 allows applicants to perform work that ranges from that of a resident replacing a sidewalk to the more involved trench work in the roadway performed by a utility company. This rate does not currently recoup the full costs associated with the more complex work that is being performed within our right-of-way. Staff is evaluating the development of a tiered rate that will more equitably assess fees based on the type of construction to be performed.

Prior to the development of the new rates, it is our recommendation that the City Council consider amending our current encroachment permit fee ordinance in order to allow rates to be established by resolution. The City of Riverbank has had a long practice of establishing and amending city fees (such as water, sewer, refuse, and other fees) by ordinance. Ordinance changes require a lengthy process that takes approximately 54-60 days. The ordinance amendment procedure is as follows:

1. Public Hearing Notice of Publication – 10-15 days prior to public hearing
2. 1st Reading and Introduction of Ordinance – Regular City Council Meeting
3. 2nd Reading and Adoption of Ordinance – 14 days after 1st City Council meeting
4. Effective Date of Ordinance – 30 days after adoption

The proposal to adopt rates by resolution would significantly shorten the time period required for rates to become effective. Establishing rates by Resolution would still require proper noticing to the public as well as a public hearing with the City Council. The time period necessary to adopt new or revised rates by Resolution would decrease to 15 days. The proposed process would be as follows:

1. Public Hearing Notice of Publication – 10-15 days prior to public hearing
2. Public Hearing – Regular City Council Meeting
3. Effective Date of Resolution – Immediately following adoption

With this streamlined process, the City would be in the position to adopt new or revised encroachment permit fees through a reduced time frame.

Additionally, in the past few years the City has reorganized its Departments and workload to work within its financial limits and to better serve the public. The amendment to the ordinance will reflect the Development Services Department as the appropriate city department to handle this responsibility.

FINANCIAL IMPACT

There is no financial impact associated with the adoption of this ordinance amendment. In the future, adoption of new or revised rates by Resolution will allow rates to be effective immediately and will allow the City to begin recouping its costs of services.

STRATEGIC PLAN

This report has been prepared to accomplish the following Strategic Plan Three Year Goal:

“Achieve and Maintain Financial Stability and Sustainability”

ATTACHMENT

1. Ordinance No. 2014-015

CITY OF RIVERBANK

ORDINANCE No. 2014-015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 95: STREETS AND SIDEWALKS;
SECTION 95.46; FEES, OF THE CITY OF RIVERBANK CODE OF ORDINANCES**

The City Council of the City of Riverbank does ordain as follows:

Title IX: General Regulations, Chapter 95: Streets and Sidewalks; Section 95.46: Fees, of the Riverbank City Code shall be amended to read as follows:

CHAPTER 95: STREETS AND SIDEWALKS

§ 95.46 FEES

(A) Any person working within the city right-of-way must obtain an encroachment permit from the Development Services Department.

(B) A fee shall be charged for each permit issued pursuant to this subchapter. The fee shall be paid prior to the issuance of any permit. The fee for the permit shall be established by the City Council via Resolution, and can be amended from time to time.

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on November 25, 2014. Said ordinance was given a second reading at a regular meeting of said Council on December 9, 2014.

PASSED AND ADOPTED by the City council of the City of Riverbank at a regular meeting on December 9, 2014; motioned by Councilmember _____ seconded by Councilmember _____; moved said ordinance for adoption by a roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney