



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS**

(The City Council also serves as the LRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, APRIL 24, 2018– 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 Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

CHANGES TO THE AGENDA: Mayor/Chair Richard D. O'Brien

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 There are no presentations.

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 requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

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

Item 3.B: Approval of the March 27, 2018, City Council and Local Redevelopment Authority Board Minutes.

Item 3.C: Recommend Approval of a **Resolution** Accepting the List of Senate Bill (SB) 1 Funded Projects to be Submitted to the California Transportation Commission (CTC) for Fiscal Year 2018-2019.

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

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

The public notice for Item 5.1 was published in the Riverbank News on 4/4/2018 and 4/11/2018.

Item 5.1: **A Resolution Authorizing a 3.5% Inflationary Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective June 23, 2018** – It is recommended that the City Council consider adopting a resolution authorizing a 3.5% Inflationary Adjustment increase to the City of Riverbank System Development Fees (also known as Development Impact Fees) based on the Construction Cost Index.

6. NEW BUSINESS

LRA Item 6.1: **Accept Report on Status of LRA Budget for First/Second Quarter FY 2017/18** – It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) receive and approve the first and second quarter revenue and expenditure report (July 1, 2017 through December 31, 2017).

Item 6.2: **A Resolution Authorizing an Animal Control Services Agreement with the City of Oakdale to Provide Animal Control Services in the City of Riverbank and Its Execution by the City Manager or Assistant City Manager** – It is recommended that the City Council consider adopting a Resolution authorizing an Animal Control Services Agreement with the City of Oakdale to Provide Animal Control Services in the City of Riverbank.

7. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action by the City Council during this time.

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

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 adjourning to Closed Session.

Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 062-031-005, 062-031-006, 062-031-007

Agency Negotiator: Marisela Garcia, Assistant City Manager

Property Negotiator: Aemetis, Inc.

Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Marisela Garcia, Assistant City Manager

Employee organizations: Miscellaneous Employees

Mid-Management Bargaining Unit

9. REPORT FROM CLOSED SESSION

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

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS** – Miscellaneous and Mid-Management Bargaining units

ADJOURNMENT (The next regular City Council meeting – Tuesday, May 8th @ 6:pm)

City Hall Friday Office Hours	<u>City Offices are Closed Alternating Fridays</u> - Friday: April 20 and May 4 – CLOSED - Friday: April 27 and May 11 – OPEN from 8:00 am to 5:00 p.m.
2018 Canceled Regular City Council Meetings	<u>City Council voted to cancel the following regular meetings:</u> - Tuesday, July 10, 2018 - Tuesday, August 14, 2018 - Tuesday, November 27, 2018 - Tuesday, December 25, 2018

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.

Posted this 19th day of April, 2018

/s/ Annabelle H. Aguilar, CMC, City Clerk / LRA 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 or cityclerk@riverbank.org. Notification (72) hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [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.

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, when 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 LRA Board, for which special notice has been given and may be required. During a specified portion of the hearing when opened for public comment, any resident or concerned individual is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent via email to the City Clerk or hand delivered must be received no later than 5:00 p.m. on the day of the meeting to be considered by the City Council/LRA Board. Preparations for the meeting are conducted between 5:00 p.m. and 6:00 p.m. and therefore the City Clerk is not available to receive the public's written testimony.
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 cityclerk@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 / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	April 24, 2018
Subject:	Waiver of Readings
From:	Marisela Garcia, Assistant 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 any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council; typically 72 hours prior to the scheduled date and time of the meeting.

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:	April 24, 2018
Subject:	Approval of the March 27, 2018, City Council and Local Redevelopment Authority Minutes
From:	Marisela Garcia, Assistant City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

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

SUMMARY

The Draft Minutes of the March 27, 2018, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. March 27 2018, City Council and LRA Minutes



**City of Riverbank
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD**
(The City Council also serves as the LRA Board)

**MINUTES OF
TUESDAY, APRIL 10, 2018**

Verbatim proceedings of the meetings may be viewed on-line or a copy may be provided for a fee.

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: Riverbank Ministerial Association

ROLL CALL: Mayor/Chair Richard D. O'Brien
Present Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *There were no changes made.*

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.

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Proclamation – National Library Week, April 8 – 14, 2018.

Mayor O'Brien presented the proclamation to Maria Solis, Riverbank Library Representative.

Item 1.2: Presentation – Legislative Update by Churchwell White.

Mr. Josiah Young, Legislative Advocate with the City's law firm of Churchwell White LLP made the presentation.

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.

Joshua Whitfield, Representative for Assembly Member Flora, provided a legislative update.

Danielle Gavell, commented on the Riverbank Cannabis Collective.

Mike Wobel, Madera County resident, Electric Broker, spoke in regards to permitting a generator for residential personal use.

Daniel Freedman commented on vehicles speeding downtown.

Haskell Moore commented on the City Clerk's referendum filing process.

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 March 20, 2018, Special Joint City Council and Local Redevelopment Authority Board Minutes.

Item 3.B-1: Approval of the March 27, 2018, Regular City Council and Local Redevelopment Authority Board Minutes.

Item 3.C: Reject Bids for Riverbank Industrial Complex Renovations.

Item 3.D: A **Resolution [No. 2018-014]** to reaffirm the Authorization of the Officers Appointed as the City Manager, Director of Finance, and the New Position of Assistant City Manager/Director of Finance to Act on the City's Behalf on the Management of Financial Assets.

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

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A through 3.D as presented; Motion carried by unanimous City Council and LRA Board roll call vote.*

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

NAYS: None / ABSENT: None / ABSTAINED: None

4. UNFINISHED BUSINESS

There were no items to consider.

5. PUBLIC HEARINGS

The public hearing notice for Item 5.1 was published in the Riverbank News on 03/28/18, and the notice for Item 6.3 was published in the Riverbank News on 03/21/18.

Item 5.1: **Continuance of the First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV: Land Usage, Chapter 153: Zoning, Section 153.033: Building Requirements, Single-Family Residential District R-1 Zone** – It is recommended that the City Council conduct a public hearing and continue this item to the April 24, 2018, regular City Council meeting to allow Planning Commission the opportunity to review their requested code amendment and make a formal recommendation to Council.

Assistant City Manager Marisela Garcia presented the staff report.

Mayor O'Brien opened the public hearing at 6:46 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Jones Cruz / Campbell / passed 5-0) to approve Continuance of the First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV: Land Usage, Chapter 153: Zoning, Section 153.033: Building Requirements, Single-Family Residential District R-1 Zone to the City Council meeting on May 22, 2018.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

[*Item 6.3:] **A Resolution [No. 2018-015] Approving the Guideline Amendments for the First Time Homebuyer Program, Housing Rehabilitation Program, Single Family Temporary Relocation Plan, and Loan Servicing Policies and Procedures** – It is recommended that the City Council hold the Public Hearing and consider adopting a Resolution approving the recommended amendments to the guidelines for the First Time Homebuyer Program, Housing Rehabilitation Program, Single Family Temporary Relocation Plan, and Loan Servicing Policies and Procedures.

**This Public Hearing item was erroneously listed under the New Business Section, nevertheless, a public hearing was conducted at the time this item was introduced for consideration. Refer to Item 6.3 under New Business for the recorded action taken.*

6. NEW BUSINESS

Item 6.1: **Consideration to Authorize the Issuance of a Compliance Order for the Conduct of a Prohibited Home Business** - It is recommended that the City Council consider the proposed request, and by minute order, authorize the City's Code Enforcement Officer to issue a compliance order for a prohibited home business of building and selling skate ramps out of a citizen's home.

Planning and Building Manager Donna Kenney presented the staff report.

Discussion ensued between City Council, Staff, and Mr. Ken Hoyt, who introduced himself as the citizen of the matter.

ACTION: **MINUTE ORDER:** *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to authorize the issuance of a Compliance Order to Mr. Hoyt to prohibit his continued home business of building and selling skate ramps that is in violation of the City's Riverbank Municipal Code under Home Occupations, Section 153.267: Prohibited Uses, (B.) Manufacturing, including cabinet shops and similar uses, as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.2: **Rescind, Restate, and Clarify Ad Hoc Illegal Fireworks Committee** – It is recommended that the City Council:

- 1) Rescind, by roll call vote, the City Council's voting action on March 27, 2018, creating a committee on Illegal Fireworks; and
- 2) Clarify that a two Council Member committee will serve as a true ad hoc committee which will solicit input from interested members of the public, staff, and outside agencies for a period not to exceed 90 days on the matter of illegal fireworks and potential solutions. The findings and recommendations of the ad hoc committee will be reported back to Council.

In the absence of City Manager Sean Scully, Assistant City Manager Marisela Garcia presented the staff report. City Clerk Annabelle Aguilar clarified that City Council's action would rescind Council's voting action at the last meeting and therefore create the true ad hoc Illegal Fireworks Committee.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to rescind the City Council's voting action creating the Illegal Fireworks Ad Hoc Committee conducted on March 27, 2018, and to restate that the that the Illegal Fireworks Ad Hoc Committee will consist of Councilmembers Cal Campbell and*

Cindy Fosi, who will solicit input from other interested parties for a period not to exceed 90 days, and thereafter present their recommendations to the City Council.

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.3: **A Resolution [No. 2018-015] Approving the Guideline Amendments for the First Time Homebuyer Program, Housing Rehabilitation Program, Single Family Temporary Relocation Plan, and Loan Servicing Policies and Procedures** – It is recommended that the City Council hold the Public Hearing and consider adopting a Resolution approving the recommended amendments to the guidelines for the First Time Homebuyer Program, Housing Rehabilitation Program, Single Family Temporary Relocation Plan, and Loan Servicing Policies and Procedures.

**This Public Hearing item was erroneously listed under the New Business Section, nevertheless, a public hearing was conducted at the time this item was introduced for consideration.*

Assistant City Manager Marisela Garcia presented the staff report.

Mayor O'Brien opened the public hearing at 7:19 p.m.

· *Deanna Garcia spoke in favor of this program.*

Mayor O'Brien closed the public hearing at 7:20 p.m.

ACTION: *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 5-0) to adopt Resolution No. 2018-015 for Approval of the Guideline Amendments for the First Time Homebuyer Program, Housing Rehabilitation Program, Single Family Temporary Relocation Plan, and Loan Servicing Policies and Procedures as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

7 COMMENTS/REPORTS

A brief report on attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

- *Public Works Director Michael Riddell commented on the water meter installation project and the Assistant City Manager signing the grant applications for the recycling wastewater project in absence of the City Manager.*
- *Assistant City Manager/Director of Finance Marisela Garcia commented on the meter project's related billing process.*

- *Planning and Building Manager Donna Kenney reported on the attendance of the League of California Cities Planning Commissioners Conference, with the City's new Planning Commissioners.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Fosi announced the loss of a City of Modesto employee, encouraged employees to be cautious and to obtain safety training, and expressed her condolences to the family.*
- *Council/Authority Member Campbell announced the first scheduled Illegal Fireworks Ad Hoc Committee Meeting.*
- *Council/Authority Member Jones Cruz announced that it was Autism Awareness Month, that a new Parks and Recreation water safety program is being offered, and a meeting is scheduled to discuss the program.*
- *Vice Mayor/Chair Barber-Martinez reported that she represented the City Council at the dedication of the new all-weather field and track at the Riverbank High School.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) commented (in response to a public comment made earlier) that the City Council truly appreciates the staff, and staff's work performed for the City; commending City Clerk Annabelle Aguilar for protecting the City in the work she performs, stating she had his full trust and confidence, 2) announced items to consider during the strategic planning session, and 3) announced that a meeting was conducted with the Stanislaus and Riverbank Housing Authority to discuss providing more housing, and to have a closer association with the Riverbank Housing Authority.

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 REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 062-031-005, 062-031-006, 062-031-007

Agency Negotiator: ~~Sean Scully, City Manager~~ Marisela Garcia, Assistant City Manager

Property Negotiator: Aemetis, Inc.

Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: ~~Sean Scully, City Manager~~ Marisela Garcia, Assistant City Manager

Employee organizations: Miscellaneous Employees

Mid-Management Bargaining Unit

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government
Code § 54956.9: (2) potential cases

*MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED THE ITEMS FOR
PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO
CLOSED SESSION AT 7:33 P.M.*

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 8:16 P.M.

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

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

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LABOR
NEGOTIATORS** – Miscellaneous and Mid-Management Bargaining units

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

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH LEGAL
COUNSEL – ANTICIPATED LITIGATION:** (2) potential cases

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

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at
8:17 p.m.

ATTEST: (*Adopted 04/24/2018*)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	April 24, 2018
Subject:	Recommend Approval of a Resolution Accepting the List of Senate Bill (SB) 1 Funded Projects to be Submitted to the California Transportation Commission (CTC) for Fiscal Year 2018-2019
From:	Marisela Garcia, Assistant City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council approve a Resolution accepting the list of SB 1 funded projects to be submitted to the California Transportation Commission (CTC) for fiscal year 2018-2019.

SUMMARY

On April 28, 2017, Governor Brown signed Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017. The primary focus of the Bill is to address basic road maintenance, rehabilitation, and critical safety needs on both the state highways and local streets and roads system. One of the requirements to receive the funding is for cities to submit an updated approved project list adopted by the City Council to the California Transportation Commission (CTC) on an annual basis.

The City brought before the City Council on October 10, 2017 an initial project list which was approved by the Council and submitted to the CTC. The projects included streets to be crack sealed. The State is requesting all jurisdictions submit electronically an updated approved project list to the CTC by May 1, 2018. This report will include the carryover projects from Fiscal Year 2017/2018, along with any changes to the type of maintenance treatments.

Nine of the streets identified for crack seal repairs for fiscal year 2017/2018 are in need of a Cape Seal. The following streets will be removed from the SB 1 project list and receive a Cape Seal treatment in June 2018 using Measure L funds: Prestwick Drive, Spanish Bay Court, Burneyville Road, River Cove Drive, Dunbar Lane, Briar Cliff Drive, Turnberry Lane, Royal Links Drive and Burning Tree Court. The remaining streets on the project list will be crack sealed during Fiscal Year 2017/2018 and 2018/2019.

FINANCIAL IMPACT

The City received our first check from the State for SB 1 Road Maintenance and Rehabilitation (RMRA) at the end of January 2018. To date the City has received \$32,136.85. It is estimated that the City will receive approximately \$13,900 monthly from the State, for a total of \$73,836.85 for Fiscal year 2017/2018.

The States projection for Fiscal year 2018/2019 is \$408,675. The RMRA funds do require a Maintenance of Effort (MOE) from the City based on General Fund spending for street, road and highway purposes.

RECOMMENDATION

It is recommended that the City Council approve a Resolution accepting the Fiscal year 2018/2019 SB 1 project list to be submitted to the CTC by May 1, 2018.

ATTACHMENT

1. Resolution
2. Exhibit A

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, ACCEPTING THE LIST OF SENATE BILL (SB) 1 FUNDED PROJECTS TO BE SUBMITTED TO THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR FISCAL YEAR 2018-2019

WHEREAS, Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017 was passed by the Legislature and Signed into law by Governor Brown in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Riverbank are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Riverbank must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the Fiscal Year 2018-2019 budget, and

WHEREAS, the projects list must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Riverbank is projected to receive \$73,836.85 for Fiscal year 2017/2018; and

WHEREAS, the States projection for the City of Riverbank for Fiscal year 2018/2019 is \$408,675; and

WHEREAS, the proposed project list and required information is identified in the attached **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the list of projects hereto as **Exhibit A** to be funded with Senate Bill (SB) 1 funds and submitted to the California Transportation Commission (CTC) by May 1, 2018.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of April, 2018; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A – SB 1 Projects List for FY 2018-2019

EXHIBIT A

SB 1 Summary of Proposed Project List FY 2018/2019

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/yyyy)		Estimated Useful Life (# of yrs)	
				Pre- Construction	Construction	Min.	Max.
PP13	Almondwood Drive	Crack Seal Repairs	Rio Verde Drive to Rivergate Drive	03/2018	06/2018	5	7
PP14	Silver Rock Road	Crack Seal Repairs	Oakdale Road to Patterson Road	03/2018	06/2018	5	7
PP15	Goldstone Way	Crack Seal Repairs	Silverock Road to High Mesa Way	03/2018	06/2018	5	7
PP16	South Gate Drive	Crack Seal Repairs	Lonestar Lane to Oakdale Road	03/2018	06/2018	5	7
PP17	High Mesa Way	Crack Seal Repairs	Silveroack Road to Goldstone Way	03/2018	06/2018	5	7
PP18	Rock Creek Road	Crack Seal Repairs	Red Rock Lane to Patterson Road	03/2018	06/2018	5	7
PP19	Kentucky Avenue	Crack Seal Repairs	Claus Road to Terminal Avenue	03/2018	06/2018	5	7
PP20	Sandy Ridge Drive	Crack Seal Repairs	Rocky Point Way to Hot Springs Lane	03/2018	06/2018	5	7
PP21	Hot Springs Lane	Crack Seal Repairs	Patterson Road to Sandy Ridge Drive	03/2018	06/2018	5	7
PP22	Rocky Point Way	Crack Seal Repairs	Sandy Ridge Drive to Clearwater Way	03/2018	06/2018	5	7
PP23	Clearwater Way	Crack Seal Repairs	Red Rock Lane to South End	03/2018	04/2018	5	7
PP24	Red Rock Lane	Crack Seal Repairs	Sandy Ridge Drive to Clearwater Way	03/2018	06/2018	5	7
PP26	Crossroads Drive	Crack Seal Repairs	Me Caffrey Lane to Colony Manor Drive	03/2018	06/2018	5	7
PP28	Virginia Avneue	Crack Seal Repairs	Tennessee Avenue to Castle berg Drive	03/2018	06/2018	5	7
PP29	McAllister Drive	Crack Seal Repairs	Kasper Drive to McDevitt Road	03/2018	06/2018	5	7
PP30	Deleon Way	Crack Seal Repairs	Me Caffrey Lane to Me Allister Lane	03/2018	06/2018	5	7
PP31	Kasper Drive	Crack Seal Repairs	Me Caffrey Lane to Me Allister Lane	03/2018	06/2018	5	7
PP32	McCaffrey Lane	Crack Seal Repairs	Kasper Drive to Crossroads Drive	03/2018	06/2018	5	7
PP33	McDevitt Drive	Crack Seal Repairs	Wodard Way to Me Allister Lane	03/2018	06/2018	5	7
PP34	Woodard Way	Crack Seal Repairs	McDevitt Drive to Falcon Ridge Lane	03/2018	06/2018	5	7
PP37	Howard Avenue	Crack Seal Repairs	Morrill Road to Patterson Road	03/2018	06/2018	5	7
PP38	Newbrook Drive	Crack Seal Repairs	Lindbrook Drive to Morrill Road	03/2018	06/2018	5	7
PP39	Linbrook Drive	Crack Seal Repairs	Newbrook Drive to Carnwood Drive	03/2018	06/2018	5	7

SB 1 Summary of Proposed Project List FY 2018/2019

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/yyyy)		Estimated Useful Life (# of yrs)	
				Pre- Construction	Construction	Min.	Max.
PP43	Soares Place	Crack Seal Repairs	Roselle Avenue to West End	03/2018	06/2018	5	7
PP44	Fern Court	Crack Seal Repairs	Roselle Avenue to SW End	03/2018	06/2018	5	7
PP45	Ward Avenue	Crack Seal Repairs	Howard Avenue to Don Avenue	03/2018	06/2018	5	7
PP46	Sierra Street	Crack Seal Repairs	Eight Street to First Street and Jackson to Callendar Avenue	03/2018	06/2018	5	7
PP02	St. Lakes Court	Crack Seal Repairs	River Cove Drive to South End	02/2019	04/2019	5	7
PP11	Olive Grove Court	Crack Seal Repairs	Estelle Avenue to East End	02/2019	04/2019	5	7
PP12	River Mesa Drive	Crack Seal Repairs	Stanislaus Street to Santa Fe Street	02/2019	04/2019	5	7
PP40	North Rose Brook Drive	Crack Seal Repairs	Rose Brook Drive to Roselle Avenue	02/2019	04/2019	5	7
PP41	Rose Brook Drive	Crack Seal Repairs	South Rose Brook Drive to North Rose Brook Drive	02/2019	04/2019	5	7
PP42	Story Brook lane	Crack Seal Repairs	Rose Brook Drive to Roselle Avenue	02/2019	04/2019	5	7
PP47	Second Street	Crack Seal Repairs	Atchison Street to Sierra Street	02/2019	04/2019	5	7
PP48	Stanislaus Street	Crack Seal Repairs	Third Street to Eighth Street	02/2019	04/2019	5	7
PP49	Texas Avenue	Crack Seal Repairs	Terminal Avenue to Chief Tucker Avenue	02/2019	04/2019	5	7
PP50	Nevada Avenue	Crack Seal Repairs	Terminal Avenue to Eighth Street	02/2019	04/2019	5	7
PP35	Deer Ridge Place	Crack Seal Repairs	Country Manor Drive to North End	02/2019	04/2019	5	7
PP36	Jaguar Court	Crack Seal Repairs	Country Manor Drive to North End	02/2019	04/2019	5	7
PP25	Colony Manor Drive	Crack Seal Repairs	Oakdale Road to Estelle Avenue	02/2019	04/2019	5	7
PP27	Heritage Manor Drive	Crack Seal Repairs	Colony Park Drive to Estelle Avenue	02/2019	06/2019	5	7

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: April 24, 2018

Subject: A Resolution Authorizing a 3.5% Inflationary Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective June 23, 2018

From: Marisela Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council consider adopting a resolution authorizing a 3.5% Inflationary Adjustment increase to the City of Riverbank System Development Fees (also known as Development Impact Fees) based on the Construction Cost Index.

SUMMARY

Resolution 2015-021 adopted on March 24, 2015 authorizes the City to review the Construction Cost Index by City (as published monthly in the Engineering News Records), and may increase System Development Fees by the same percentage of increase in said index.

System Development Fees have not been increased since adoption in 2015, therefore we believe it is prudent to present a fee increase based on the aforementioned Index.

BACKGROUND

The purpose of a System Development Fee is to provide a rational and equitable basis for the expansion of capital facilities to accommodate the impacts created by new development. For many years, traditional sources of infrastructure funding have been inadequate to maintain the existing systems and this has left no revenue available to expand the system to meet growing needs. Development fees provide a mechanism where new development cumulatively mitigates their total impact on the city's systems on a proportionate basis to their individual impact by paying fees to expand the systems based on the relative size of the development.

In 2015 City staff, with the assistance of the AECOM consulting group, underwent a significant update to the previously adopted 2005 System Development Fees. This update resulted in a fee program which reflected community infrastructure needs for the planned growth delineated in the 2005-2025 General Plan.

Because the fees are established in order to address future infrastructure needs, staff wanted to ensure that the City Council would have the ability to apply a cost inflation factor in order to address future construction cost increases. Resolution 2015-021 allows for the City to propose a fee increase based on the "Construction Cost Index by City" as published monthly in the Engineering News Record (see Exhibit A). Based on the San Francisco Cost Index, staff is proposing a 3.5% increase in all System Development Fees.

The proposed fee levels are as follows:

2018 PROPOSED FEE LEVELS **SYSTEM DEVELOPMENT FEES**

Land Use	Water	Sewer	Storm	Parks/Rec	Gen Gov/Police	Traffic	5 % Admin	Total
Residential	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU
Clustered Rural (RR)	\$13,958	\$5,199	\$7,899	\$3,562	\$1,290	\$3,675	\$1,779	\$37,362
Lower Density (LDR)	\$7,270	\$3,170	\$7,164	\$4,049	\$1,466	\$3,087	\$1,310	\$27,517
Medium Density (MDR)	\$6,979	\$2,648	\$2,892	\$3,470	\$1,255	\$2,720	\$998	\$20,962
Higher Density (HDR)	\$5,060	\$3,251	\$3,264	\$2,892	\$1,046	\$2,315	\$891	\$18,720
Mixed Use (Residential) (MU)	\$5,060	\$984	\$2,112	\$2,524	\$914	\$3,675	\$764	\$16,034
Non-Residential	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot
Community Commercial (CC)	\$2.14	\$1.71	\$4.40	N/A	\$0.38	\$5.76	\$0.72	\$15.12
Mixed Use (Commercial) (MU)	\$2.15	\$1.72	\$4.37	N/A	\$0.38	\$5.99	\$0.73	\$15.35
Industrial/Business Park (I/BP)	\$2.13	\$1.45	\$4.31	N/A	\$0.28	\$5.96	\$0.70	\$14.83
Office (MU LU Classification)	\$2.10	\$1.34	\$4.22	N/A	\$0.53	\$3.63	\$0.59	\$12.41

STRATEGIC PLAN

This is directly related to the City's Strategic Plan Goals to Achieve and Maintain Financial Stability and Sustainability and Maintain and Improve the City's Infrastructure and Service Delivery Systems.

FINANCIAL IMPACT

There is no financial impact associated with the application

ATTACHMENT

1. Attachment A: ENR's Cost Indexes by City
2. Resolution
3. Exhibit A: Proposed 2018 System Development Fees

ENR's 20-city average cost indexes, wages and material prices. Historical data and details for ENR's 20 cities can be found at ENR.com/economics

Construction Cost Index

ANNUAL
INFLATION RATE

+3.3%
JAN. 2018

1913=100	INDEX VALUE	MONTH	YEAR
CONSTRUCTION COST	10878.01	+0.1%	+3.3%
COMMON LABOR	22992.91	0.0%	+2.7%
WAGE \$/HR.	44.11	0.0%	+2.7%

The Construction Cost Index's annual escalation rate remained at 3.3% this month, as the monthly labor cost component showed no change.

Building Cost Index

ANNUAL
INFLATION RATE

+3.3%
JAN. 2018

1913=100	INDEX VALUE	MONTH	YEAR
BUILDING COST	5921.32	+0.1%	+3.3%
SKILLED LABOR	10223.53	+0.1%	+2.2%
WAGE \$/HR.	56.57	+0.1%	+2.2%

The Building Cost Index's annual escalation rate rose to 3.3%, while the monthly component increased to 0.1%.

Material Cost Index

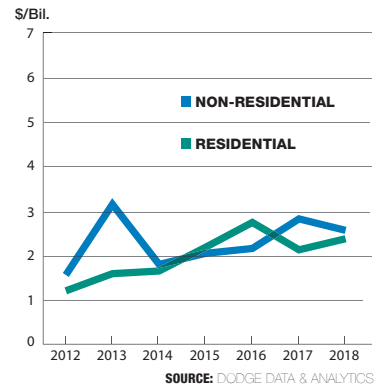
MONTHLY
INFLATION RATE

+0.2%
JAN. 2018

1913=100	INDEX VALUE	MONTH	YEAR
MATERIALS COST	3277.70	+0.2%	+3.9%
CEMENT \$/TON	114.04	0.0%	+4.6%
STEEL \$/CWT	51.54	0.0%	+3.3%
LUMBER \$/MBF	582.27	+0.8%	+12.2%

The MCI increased 0.2% this month, at an annual escalation rate of 3.9%.

Construction starts in the Baltimore metro area are expected to decrease 0.3%, to \$4.9 billion, in 2018, according to Dodge Data & Analytics. Non-residential construction is predicted to drop 9.3%, with particularly sharp decreases in the office and warehouse sectors, Dodge says. Despite the overall downward trend, residential starts are expected to increase 11.5%, to \$2.4 billion.



ENR's Cost Indexes by City

1913=100
1967=100
R=REVISED

	CONSTRUCTION COST		BUILDING COST		COMMON LABOR		SKILLED LABOR		MATERIALS	
	JAN. '18: 1913	% CHG. YEAR	JAN. '18: 1913	% CHG. YEAR	JAN. '18: 1967	% CHG. YEAR	JAN. '18: 1967	% CHG. YEAR	JAN. '18: 1967	% CHG. YEAR
ATLANTA	6555.35	+2.5	4371.46	+4.0	825.83	0.0	697.30	0.0	767.06	+8.4
BALTIMORE	8320.54	+12.5	5202.32	+4.3	1090.86	+14.4	848.44	+1.8	771.68	+7.7
BIRMINGHAM	7257.33	+0.5	4429.15	+1.5	978.68	0.0	806.18	+1.2	668.60	+1.9
BOSTON	13829.87	+2.2	7333.60	+3.5	1500.64	+1.6	1362.01	+2.6	686.16	+6.0
CHICAGO	15419.01	+1.2	7471.61	+4.9	1531.38	0.0	1321.90	+3.3	625.43	+9.2
CINCINNATI	10088.30	+6.8	5312.28	+9.3	1009.23	+4.9	864.50	+6.2	756.41	+13.9
CLEVELAND	12298.51	+0.2	5756.08	+0.5	1094.27	0.0	922.89	0.0	658.78	+1.6
DALLAS	5856.51	+2.7	4465.89	+3.6	742.23	0.0	738.08	0.0	697.82	+7.8
DENVER	7412.92	+0.7	4689.81	+1.6	818.18	0.0	762.06	+0.8	678.87	+2.6
DETROIT	11345.13	+0.6	6169.03	+2.3	995.81	0.0	983.06	+1.7	640.38	+3.5
KANSAS CITY	11152.83	-1.1	5837.48	-1.9	1297.51	0.0	1212.61	+0.3	569.98	-6.7
LOS ANGELES	11935.82	+3.3	6269.90	+3.4	1111.66	+3.2	1063.02	+3.1	682.35	+3.8
MINNEAPOLIS	13002.20	+5.3	6388.59	+9.0	1315.19	+2.4	1152.11	+3.2	753.31	+20.8
NEW ORLEANS	5912.44	+0.5	4024.94	+1.3	725.09	0.0	652.58	+1.1	676.81	+1.4
NEW YORK CITY	18513.53	+7.8	9017.80	+2.9	1469.64	+8.2	1351.41	+2.3	729.73	+5.2
PHILADELPHIA	12979.40	+3.4	6977.30	+3.5	1459.73	+3.3	1247.70	+3.5	735.69	+3.4
PITTSBURGH	10158.14	+2.8	5839.86	+4.8	1039.46	+1.6	937.81	+3.3	634.44	+7.6
ST. LOUIS	12063.55	-0.1	5879.27	-0.1	1096.32	0.0	991.98	0.0	681.40	-0.3
SAN FRANCISCO	12014.72	+3.5	6921.42	+3.6	1025.93	+3.2	1091.49	+3.0	688.74	+5.0
SEATTLE	11444.11	+7.7	6068.61	+3.5	1079.66	+8.3	1078.59	+2.8	792.27	+4.8

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING A 3.5% INFLATIONARY ADJUSTMENT INCREASE
TO THE CITY OF RIVERBANK SYSTEM DEVELOPMENT FEES BASED ON THE
CONSTRCUTION COST INDEX TO BE EFFECTIVE JUNE 23, 2018**

WHEREAS, the City Council of the City of Riverbank adopted Resolution 2015-021 on March 24, 2015 which established revised System Development Fees; and

WHEREAS, Section 5 of Resolution 2015-021 authorizes the City to review and recommend an increase to the System Development Fees based on the Construction Cost Index by City (as published monthly in the Engineering News Records) as of January 1 of each year; and

WHEREAS, in order to ensure that the fee program accurately reflects the rising costs of construction it is prudent to recommend an increase to the 2015 System Development Fees; and

WHEREAS, the January 2018 Construction Cost Index by City for San Francisco is determined to be 3.5%; and

WHEREAS, a 3.5% cost inflation factor has been used in order to determine the proposed 2018 System Development Fees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank authorizes a 3.5% Inflationary Adjustment Increase to the 2015 System Development Fees as presented hereto in **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of April, 2018; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A: 2018 System Development Fees

EXHIBIT A

2018 SYSTEM DEVELOPMENT FEES

Land Use	Water	Sewer	Storm	Parks/Rec	Gen Gov/Police	Traffic	5% Admin	Total
Residential	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU
Clustered Rural (RR)	\$13,958	\$5,199	\$7,899	\$3,562	\$1,290	\$3,675	\$1,779	\$37,362
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Office (MU LU Classification)	\$2.10	\$1.34	\$4.22	N/A	\$0.53	\$3.63	\$0.59	\$12.41

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	April 24, 2018
Subject:	Accept Report on Status of LRA Budget for First/Second Quarter FY 2017/18
From:	Marisela Garcia, Assistant City Manager
Submitted by:	Melissa Holdaway, Administrative Analyst II

RECOMMENDATION

It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) receive and approve the first and second quarter revenue and expenditure report (July 1, 2017 through December 31, 2017).

SUMMARY

This report covers the first half revenue and expenditures specifically for the time period from July 1, 2017 through December 31, 2017.

BACKGROUND:

In April 2010, the LRA Board adopted a resolution that requires LRA staff to provide a quarterly report to the LRA Board on the status of the budget. This report is intended to comply with that requirement.

This report is a snapshot of the LRA’s financials as of the date of the report. A final report will be prepared at the end of the fiscal year that reflects additional details regarding revenue and expenditures from this quarter that may not have been included at the time this staff report was due.

FINANCIAL IMPACT

Fund 197 – Leasehold Revenue

Revenue was lower than expected. This is because utility revenue can lag by 30-60 days between the time Hetch Hetchy bills the LRA for power and when the tenants pay their utility bills.

Additionally, the Army has changed the funding avenue for payment of DOD caretaker revenue thus creating a delay in receipt of outstanding payments in the first half. We are working on the process to receive timely payments in the future.

Expenditures were slightly higher than anticipated due to the additional costs, specifically in legal and the Signing ceremony.

Fund 198 – Office of Economic Adjustment Grant (OEA)

Revenue and expenditures in line with expectations for the first half of this fiscal year. This grant has closed and in the process of reapplying for an additional six months.

Fund 199 – Environmental Services Cooperative Agreement (ESCA #2)

Revenue and expenditures are in line with the completed Scope of Work to date. We are 80% complete as of this reporting.

The roofing/siding capital project is 65% complete with a projection of cost overruns due to material price increases. We also have had some labor increases due to weekend work and power shutdowns to accommodate tenants.

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA's FY 2017/18 Mid-Year budget supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

ATTACHMENT

1. FY 2017/18 LRA Budget by Fund

	<u>2017-18 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct-Dec</u>	<u>Third Quarter Jan-Mar</u>	<u>Fourth Quarter Apr-Jun</u>	<u>Year to Date</u>	<u>2017-18 Balance</u>
Fund 197							
Rents	1,200,000	322,422	320,401			642,823	557,177
Sale of Personal Property	20,000					0	20,000
DOD Caretaker Revenue	100,800					0	100,800
Utility Revenue from Tenants	280,000	16,752	44,258			61,010	218,990
Miscellaneous Revenue	20,000	2,765	7,614			10,379	9,621
Total Revenue	1,620,800	341,939	372,272	-	-	714,211	906,589
Administrative Expenses							
Salaries	115,287	6,317	5,560			11,877	103,410
Fringe	71,436	3,583	6,880			10,463	60,973
Travel	1,000					0	1,000
Equipment						0	
Office Supplies/Legal Ads	1,978	37	165			203	1,775
Phones	3,429	43	140			183	3,246
Copier	740	106				106	634
Postage	200	10	8			18	182
Janitorial	1,671	76				76	1,595
Marketing/Branding	5,000		6,836			6,836	-1,836
Professional Services							0
Legal - General Municipal	50,000	1,718	1,686			3,404	46,596
Legal - Conveyance	5,500	5,140	52,384			57,524	-52,024
Other Services	2,500	3,800	125			3,925	-1,425
Insurance Premiums	100,000					0	100,000
Facility Operations & Maintenance							
Well maintenance	550		1,110			1,110	-560
Permits	2,000					0	2,000
Water Testing	3,150	590	910			1,500	1,650
Electrical PM	73,500		4,961			4,961	68,539
Fire Suppression Maintenance	7,350	3,614	3,008			6,622	728
Landscaping	9,480	1,586	2,370			3,956	5,524
Propane	3,200	2,170	949			3,119	81
Repairs	94,500	4,724	24,442			29,166	65,334
Fire Assessment Fees	200					0	200
Common Area Costs (electric, water, garbage)	350,000	29,562	84,200			113,762	236,238
Infrastructure Improvements	25,000					0	25,000
Tenant Improvements	25,000	19,829	3,864			23,693	1,307
Facility Mgmt/Security Services Contracts							
Security	200,000	32,595	48,219			80,814	119,186
Facility Management	500,000	82,361	123,868			206,229	293,771
Total Expenditures	1,652,671	197,861	371,685	-	-	569,546	
Net Revenues Less Expenditures	-31,871	144,078	588	-	-	144,665	

	<u>2016-17 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct- Dec</u>	<u>2016-17 Year to Date</u>
Fund 198				
<i>OEA Grants</i>	172,026	108,507	63,519	172,026
Total Revenue	172,026	108,507	63,519	172,026
<i>Salaries</i>	77,841	39,210	38,631	77,841
<i>Fringe</i>	39,155	21,181	17,974	39,155
Administrative Expenses				0
<i>Travel</i>				0
<i>Office Supplies/Legal Ads</i>	1,402	261	884	1,145
<i>Phones</i>	2,419	300	979	1,279
<i>Copier</i>	760	743		743
<i>Postage</i>	20	19		19
<i>Janitorial</i>	929	530		530
<i>Marketing/Branding</i>				0
Professional Services				0
<i>Legal</i>	49,500	46,262	5,051	51,313
<i>Other Services</i>				0
Total Expenditures	172,026	108,507	63,519	172,026
Net Revenues Less Expenditures	0	0	0	0

FUND 199

ESCA #2

Available Fund Balance, June 30, 2017 \$ 5,256,641

	Quarter 1 9/30/2017	Quarter 2 12/31/2017	Quarter 3 3/31/2018	Quarter 4 6/30/2018
REVENUES (FY 2017-2018)				
Cash Request #6, #7 and #8	\$ 4,599,727	\$ 906,682		
EXPENSES (FY 2017-2018)				
WESTON Contract	\$ 2,893,342	\$ 3,153,370		
Contingency	\$ 152,281	\$ 82,756		
SJES Contract	\$ 75,000	\$ 409,764		
Admin	\$ 3,417	\$ 3,741		
T & D (reimbursement basis only)	\$ 32,266			

ESCA #2 To Date

Total Revenue	\$ 28,514,592	(2016-current)
Total Expenses	\$ 24,557,479	(2016-current)
BALANCE	<u>\$ 3,957,113</u>	

Capital Improvements Related to ESCA #2 (funded w/reserved cash on hand)

Roof & Siding Project To Date	\$ 2,270,763	Contractors/Equipment
Materials contract (awarded Jan 2017)	\$ 647,981	Cost overrun to date of \$152,466
	<u>\$ 2,918,744</u>	65% complete

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	April 24, 2018
Subject:	A Resolution Authorizing an Animal Control Services Agreement with the City of Oakdale to Provide Animal Control Services in the City of Riverbank and Its Execution by the City Manager or Assistant City Manager
From:	Marisela Garcia, Assistant City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Director of Finance Norma Torres-Manriquez, Administrative Analyst II/Human Services Specialist

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution authorizing an Animal Control Services Agreement with the City of Oakdale to Provide Animal Control Services in the City of Riverbank.

SUMMARY

Administration staff is requesting authorization from the City Council to renew the existing Animal Control Services Contract with the City of Oakdale which includes updates agreed upon through negotiations between respective city staff. Under the proposed agreement, this contract would be approximately two years in length and expire on June 30, 2020.

BACKGROUND

The City of Oakdale Animal Services has been providing animal control services to Riverbank since 2009; responding to animal-related calls and patrolling for loose and roaming animals. Oakdale Animal Control Services currently provides patrol services to Riverbank residents 32 hours each week during agreed upon days and hours of the day. All personnel costs associated with the patrols are paid by the City of Riverbank. After normal business hours, animal control officers also respond to emergency-only animal related calls in Riverbank on a fee for service basis.

The proposed updated contract upgrades the current 32-hour a week animal control officer to a 40-hour a week full time animal control officer assigned primarily to Riverbank. It also updates the cost of police dispatch services and all operations and maintenance costs incurred by Oakdale to deliver services. The agreement also sets up a vehicle

replacement fund whereby Riverbank will provide \$20,000 a year towards capital replacement needs.

City of Riverbank Staff has worked with City of Oakdale Staff in negotiating the proposed contract to become effective from the signature date through FY19/20, expiring June 30, 2020. The agreement stipulates that either party may terminate the agreement upon thirty (30) days written notice. The proposed agreement and a description of the fees are provided and identified as Exhibit A.

STRATEGIC PLAN

While this item is not contrary to the City's Strategic Plan, this project has been prioritized in order to ensure the continuity of services from the City of Oakdale.

FINANCIAL IMPACT

Animal Control Services are funded via the General Fund. Costs are generally offset by the issuance of annual dog licenses and citations issued.

FY 2017-18 Budget Impact \$18,966 were budgeted during the mid-year budget revise for this contract in order to purchase a new refrigerated transportation box which holds the animals for transport to the animal shelter.

FY 2018-19 & 2019-20 Budget Impact: \$196,440.82 from the General Fund for Services & Operating Costs and \$20,000 from System Development Fees for the future replacement of the Animal Control Officers vehicle for a total appropriation of \$216,440.82 per year.

ATTACHMENT

1. Resolution
2. Exhibit A: Animal Control Services Contract

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING AN ANIMAL CONTROL SERVICES AGREEMENT
WITH THE CITY OF OAKDALE TO PROVIDE ANIMAL CONTROL SERVICES IN
THE CITY OF RIVERBANK AND ITS EXECUTION BY THE CITY MANAGER OR
ASSISTANT CITY MANAGER**

WHEREAS, the City of Oakdale operates an Animal Control Services Program under the management of the Oakdale Police Department; and

WHEREAS, the City of Riverbank desires to renew a contract with the City of Oakdale to receive animal control services in Riverbank; and

WHEREAS, all services provided are paid by the City of Riverbank; and

WHEREAS, the City of Riverbank may terminate the proposed Agreement hereto incorporated as **Exhibit A** upon thirty (30) day written notice to the City of Oakdale.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the Animal Control Services Agreement with the City of Oakdale hereto as **Exhibit A** to provide animal-related patrols (40-hours weekly) in the City of Riverbank and animal control support services. And, authorizes the City Manager or Assistant City Manager to execute said agreement, with a term which shall begin from the signature date through June 30, 2020.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of April, 2018; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A: Animal Control Services Agreement

This Agreement is entered into this 2nd day of April 2018, between the City of Riverbank and the City of Oakdale. This Agreement is effective through June 30, 2020.

ARTICLE 1

DESCRIPTION OF SERVICES

1.1 TERMS AND CONDITIONS

The City of Oakdale will provide the following limited Animal Control Services to the City of Riverbank. The services selected by the City of Riverbank are described as follows and are subject to the following terms and conditions. This agreement relates to the impounding of cats, dogs, and small animals not exceeding 150 pounds during specified duty hours of the City of Oakdale's Animal Control Officer(s). Refer to **Attachment 1** for specific cost for service.

1.2 PATROL SERVICES

The City of Oakdale will provide animal related patrol services within the incorporated limits of the City of Riverbank for a period of forty (40) hours of each week. Oakdale Animal Control will provide the City of Riverbank with a schedule of regular patrol hours. However, extenuating circumstances (i.e., employee illness) may prevent the City of Oakdale from providing patrols on a specific schedule. Should such extenuating circumstances occur, Oakdale Animal Control agrees to notify the Riverbank Police Services Watch Commander and the City of Riverbank, Administrative Services Department, to modify the schedule to ensure the required patrol services are provided. The fee that the City of Riverbank agrees to pay the City of Oakdale for these services is described in **Attachment 1**. Refer to **Attachment 1** for service costs.

1.3 EMERGENCY CALL OUT

During hours when City of Oakdale Animal Control officers are not patrolling incorporated areas of the City of Riverbank, Oakdale Animal Control officers will respond to the City of Riverbank to assist with dog, cat, and small animal related emergencies. Such incidents will be verified by a Riverbank Police Services Officer, or a Riverbank contracted Security Officer, or other Riverbank personnel as designated by the City Manager.

Fees vary depending upon the time of day that the request is placed. Refer to **Attachment 2**. Emergency Call Outs for the City of Riverbank are considered:

- (I) INJURED/SICK ANIMALS: When any injured/sick stray domestic or non- domestic animal weighing less than 150 pounds is found in a public place and the owner is unknown or untraceable. Owned injured/sick animals are the responsibility of the owner.
- (II) STRAY ANIMAL BITE: When any animal or species known to be endemic to rabies (generally warm-blooded mammals), bites or exposes a human and the owner is unknown, (owned animals are to be confined by the owner, and an Oakdale Animal Services Officer can handle the case the following work day).
- (III) DANGEROUS ANIMALS: When any animal is presenting an immediate danger to the public safety.
- (IV) AGENCY ASSISTANCE: An Oakdale Animal Services Officer will respond to emergency call-outs as defined in (I), (II), and (III) above, once the emergency has been verified by an on-duty peace officer, when available, or authorized security officer working under contract for the City of Riverbank, when available.
- (V) PUBLIC SAFETY: On occasion, animal control calls that are determined to pose a public safety concern, which do not meet the definitions of an emergency as stated in (I) (II) or (III) above, requires animal control service. Such incidents will be verified by a Riverbank Police Services Officer, or a Riverbank contracted Security Officer, or other Riverbank personnel as designated by the City Manager.

All call out requests for animal control services not within the scheduled hours of patrolling the City of Riverbank shall be paid by the City of Riverbank as indicated in **Attachment 2**.

1.4 VETERINARIAN/MEDICAL SERVICES AND ASSOCIATED COSTS

The City of Oakdale will provide veterinarian/medical services for animals captured within the City of Riverbank. The City of Oakdale also agrees to provide office supplies and equipment for Oakdale Animal Control employees. Euthanasia drugs, dog and cat food, animal disposal services, spay and neutering, cleaning and drain chemicals, and miscellaneous items will also be supplied. The fee that the City of Riverbank agrees to pay the City of Oakdale for these services and supplies is described in **Attachment 1**.

1.5 IDENTITY OF OWNER

All animals received by Oakdale Animal Control Officers will be checked for a microchip and/or city license, in an attempt to identify their owner.

ARTICLE 2

GENERAL PROVISIONS

2.1 SHELTER ATTENDANT

The City of Oakdale will employ two part-time (32-hour a week and 12-hour a week) shelter attendants. The job duties will include but will not be limited to feeding the animals, cleaning the facility, and to accept and release animals from the Oakdale Animal Control Shelter. The Oakdale Animal Control Services supervisor will set this employee's work schedule.

The Cities of Oakdale and Riverbank agree to share equally the cost of the two shelter attendants. See **Attachment 1** for a summary of the cost.

2.2 RADIO/TELEPHONE DISPATCH COSTS

It is anticipated that the Oakdale Police Department will receive nearly 1,500 animal-related calls from the City of Riverbank during the duration of this contract. The City of Oakdale is expected to incur a monthly cost of \$3,153.12 to dispatch officers for these services. The City of Riverbank agrees to pay for the cost for these services for the duration of this agreement as indicated in **Attachment 1**.

2.3 ANIMAL CONTROL SUPERVISOR COSTS

It is anticipated that the Oakdale Animal Control Unit Supervisor will have to commit at least 8 hours a week to supervising the part-time animal control officer who will be serving the City of Riverbank each week. The City of Riverbank agrees to pay for the cost of this service for the duration of this agreement as indicated on **Attachment 1**.

2.4 LIVESTOCK AND LARGE ANIMAL HANDLING COSTS

Although the Oakdale Animal Control Unit is not equipped to handle livestock on a regular basis, and in the interest of maintaining a high level of service for the City of

Riverbank, our Animal Control Unit may be able to assist with such calls depending on the size, disposition and location of the animal. Accepting such calls will be decided on a case-by-case basis and all additional costs including but not limited to housing, feed and veterinarian services will be paid by the City of Riverbank.

2.5 MODIFICATION OF AGREEMENT/FEE SCHEDULE

This agreement may be modified and/or amended at any time by mutual agreement of the parties, in writing. Any increase in fees shall not exceed 10-percent (10%) annually unless mutually agreed upon by both parties.

The fee schedule (Attachment 1 and Attachment 2) becomes effective the signature date and expires on June 30, 2020. The cities of Oakdale and Riverbank agree to re-open this agreement on the first business day of May 2020, to begin discussions about a contract extension. However, any salary and fringe benefit increases incurred by the City of Oakdale for the positions of Animal Control Officer, Shelter Attendant, Dispatcher, or Police Sergeant (positions dedicated to providing services to Riverbank under this agreement) may be cause for renegotiation of said contract at any time through June 30, 2020.

The respective City Managers are authorized to make monetary changes up to \$5,000 and all non-monetary changes to the Agreement.

2.6 PAYMENT OF FEES

The City of Riverbank agrees to pay the City of Oakdale for the services selected and billed, within thirty (30) days of receipt of statement of charges.

2.7 ACCEPTANCE/TERMINATION OF AGREEMENT

This Agreement shall become effective immediately upon approval of the Riverbank City Council and the Oakdale City Council. Either party may terminate the Agreement upon thirty (30) days written notice.

2.8 ANIMAL CONTROL VEHICLE

The City of Riverbank has provided, at no cost to the City of Oakdale, an animal control vehicle designed to contain and transport small animals. The vehicle will be used exclusively by designated Oakdale animal control officer(s). The vehicle will be stored at

the Oakdale Police facility when not in service as a convenience to the Oakdale Animal Control officer(s) for emergency animal call-outs occurring in the City of Riverbank. The City of Oakdale has purchased the vehicle for \$1.00 and agrees to amortize its purchase in a manner agreeable to both parties. However, if this Agreement is terminated prior to the full amortization of the animal control vehicle, the vehicle becomes the property of the City of Riverbank. The City of Riverbank will be charged for maintenance and fuel for use of the vehicle to provide services to the City of Riverbank (refer to Attachment 1).

In the event that the Riverbank Animal Control vehicle becomes non-serviceable during the lifespan of this contract, the City of Riverbank shall provide, at no cost to the City of Oakdale, an animal control vehicle designed to contain and transport small animals. The vehicle will be used exclusively by designated Oakdale animal control officer(s). The vehicle will be stored at the Oakdale Police facility when not in service as a convenience to the Oakdale Animal Control officer(s) for emergency animal call-outs occurring in the City of Riverbank. The City of Riverbank shall allow the City of Oakdale to purchase the vehicle for \$1.00 and agrees to amortize its purchase in a manner agreeable to both parties. However, if this Agreement is terminated prior to the full amortization of the animal control vehicle, the vehicle becomes the property of the City of Riverbank. The City of Riverbank will be charged for maintenance and fuel for use of the vehicle to provide services to the City of Riverbank (refer to Attachment 1).

At the start of each fiscal year, beginning July 1, 2018, the City of Riverbank agrees to pay the City of Oakdale \$20,000.00 per fiscal year for the duration of this contract to be set aside into a vehicle replacement account. These funds will be used to offset the replacement of the Riverbank Animal Control vehicle.

On or before May 1, 2018, the City of Riverbank agrees to pay the City of Oakdale for the replacement of the animal control vehicle's animal transportation box (**refer to Attachment 1 for cost**). The City of Riverbank also agrees to pay for any future maintenance costs associated with that transportation box for the duration of this contract.

2.9 COLLECTION OF FEES

The City of Riverbank has adopted an ordinance that authorizes City of Oakdale Animal Control officer(s) to enforce standard animal-related licensing requirements and nuisance-related problems (i.e., leash law violations) in Riverbank. The City of Riverbank has also agreed to adopt the City of Oakdale's existing animal-related user fees (i.e., animal license fee) to allow Oakdale Animal Control employees to impose fees for services rendered within the City of Riverbank.

The City of Riverbank agrees to collect fees for penalties imposed by the Riverbank City Animal Code and all user fees for services rendered in the incorporated areas of the City of Riverbank. One-hundred-percent (100%) of all fees collected will be transferred to and retained by the City of Oakdale. Thirty-five-percent (35%) of said fees will be paid to the City of Oakdale to be used to help pay costs associated with animal control. The remaining sixty-five-percent (65%) will be used to offset costs charged to the City of Riverbank for animal control services.

2.10 REPORTING

The City of Oakdale agrees to furnish at the request of the City of Riverbank quarterly reports stating the number of calls responded to, the actual time worked for patrol services, the time worked responding to emergency call outs, and the number of animals apprehended or received.

2.11 VICIOUS AND POTENTIALLY DANGEROUS DOGS

Vicious and potentially dangerous animals shall be handled as set forth in the Oakdale Municipal Code by the Oakdale Police Chief or his designee. Hearings involving Riverbank animals shall take place within the city limits of Riverbank. If the City of Riverbank requests that an Oakdale Animal Control Officer(s) provide assistance in a legal proceeding to declare a dog vicious or potentially dangerous, the City of Riverbank shall pay to the City of Oakdale the weighed labor rate of the Oakdale Animal Services officer who provided the assistance.

2.12 HOLD HARMLESS

To the fullest extent permitted by law, the cities shall indemnify, defend, and hold the other harmless, its officers, representatives, agents and employees against any and all suits, damages, costs, fees, claims, demands, causes of action, losses, liabilities and expenses, including without limitation attorney's fees, to the extent arising or resulting from any negligent acts, errors or omissions of such indemnifying party or its assistants, employees, or agents, including all claims relating to the injury or death of any person or damage to any property. The cities agree to waive rights of recovery for damage to city property because of negligence of the other city. The cities also agree to waive any rights of recovery for liabilities under the Workers Compensation Laws of the State of California, Labor Code Sections 3200 et seq.

2.13 RECONCILIATION

The City of Oakdale and the City of Riverbank agree that there will be a reconciliation of revenues and expenditures at the end of the contract. Any adjustment shall be reflected as an increase or decrease to the final contract amount.

IN WITNESS WHEREOF, this agreement was executed on the date first written above.

CITY OF OAKDALE

CITY OF RIVERBANK


Bryan Whitemyer, City Manager


Sean Scully, City Manager

ATTEST:

ATTEST:


Kathy Teixeira, CMC, City Clerk


Annabelle Aguilar, CMC, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Thomas P. Hallinan, City Attorney


Thomas P. Hallinan, City Attorney

ATTACHMENT 1

City of Oakdale Annual Cost Summary for Animal Control Services

DESCRIPTION

Animal Control Officer	Full-Time ACO	\$63,077.30
Shelter Attendant	Part-Time	\$23,267.61
Dispatcher Services		\$37,837.44
Supervisor		\$15,673.76
	Total	\$139,856.11

OPERATING COSTS

Office Supplies		\$3,864.00
Euthanasia Drugs		\$5,645.60
Dog/Cat Food		\$880.00
D & D Disposal		\$6,630.00
Veterinarian Costs		\$4,980.00
Spay/Neutering Costs		\$15,600.00
AC Vehicle Fuel		\$7,800.00
AC Vehicle Maintenance		\$150.00
Cleaning Supplies/Drain Chems		\$3,680.75
Misc. Animal ID & Confinement		\$5,591.86
Mandatory Training		\$1,762.50
Diamond Truck Body Mfg.	AC Transportation Box	\$18,966.00
	Total	\$75,550.71

Combined Total \$215,406.82

ATTACHMENT 2

Emergency Animal Response Costs

An Animal Control Officer recalled to work outside and not continuous with regularly scheduled hours shall be paid a minimum of three hours at a rate of one and one-half times the employee's regular straight time rate of pay.