



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

Revised AGENDA

TUESDAY, FEBRUARY 12, 2019– 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 1 Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell

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 January 8, 2019, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** Authorizing the Appointment of the Stanislaus County Public Health Officer as the City Of Riverbank Public Health Officer.

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 There are no items to consider.

6. NEW BUSINESS

Item 6.1: **Consider a Resolution to Approve the Waiver of Storm Drain System Development Fees for the NNN Retail Development / Dollar general Project Located at 5842 Roselle Avenue** – It is recommended that the City Council consider the petition from NNN Retail Development to waive payment for the Storm Drain System Development Fee which will be assessed on the construction of the Dollar General Project at permit issuance.

Item 6.2: **Bid Award for 2019 Cheese & Wine Festival** - It is recommended that the City Council review the bid results for the Contract for coordination of the 2019 Cheese & Wine Festival and give staff direction.

Item 6.3: **Sheriff Classification Change and Change to Riverbank Law Enforcement Services Contract** – It is recommended that the City Council provide direction to the City Manager regarding the proposal presented by Stanislaus County relating to sharing of additional contract law enforcement costs to be incurred during the current law enforcement services contract. Council could choose to provide direction in one of the following ways:

1. Direct City Manager to inform Stanislaus County that the City is in agreement with the cost sharing and flexible services proposal outlined in the CEO's December 5th letter.
2. Direct the City Manager to inform Stanislaus County that the City is not in agreement with the proposal and is prepared to cover the entire increase in salary.
3. Any other alternate direction as dictated by the City Council.

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 of items 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 recessing to Closed Session.

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL: INITIATION OF LITIGATION**
Pursuant to Government Code Section 54956.9(d)(4)
Number of cases: (1) one

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL: INITIATION OF LITIGATION** – (1) case

ADJOURNMENT (The next regular City Council meeting – Tuesday, Feb. 26 @ 6:pm)

UPCOMING EVENTS:

February 18 (Monday)	<u>City offices Closed</u> – In honor of President's Day.
February 21 (Thursday)	<u>Special City Council Meeting – Annual Nonprofit and Community Partners Forum</u>, Riverbank Teen Center, 600-A Santa Fe St., Riverbank, at 6:30 p.m. Contact Administrative Analyst Norma Torres-Manriquez (209) 863-7153 or nmanriquez@riverbank.org for information.
March 13 (Wednesday)	<u>State of the City Address</u> – at the Antigua Event Center, 3200 Santa Fe Street, Riverbank, at 6:30 p.m. Contact Administrative Analyst Norma Torres-Manriquez (209) 863-7153 or nmanriquez@riverbank.org for information.
2019 Canceled Regular City Council Meetings	<u>City Council voted to cancel the following regular meetings:</u> - o July 9, 2019, August 13, 2019, November 26, 2019, and December 24, 2019.

AFFIDAVIT OF POSTING

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

Posted this 7th day of February, 2019

/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 of (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	<u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed. <u>Local Redevelopment Authority Board:</u> (The City Council also serves as the LRA Board.) Meets on an "as needed" basis. The City Council also serves as the LRA Board.
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/LRA Board, for which special notice has been given. During a specified portion of the hearing, any interested party is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent or delivered to the City Clerk must be received no later than <u>5:00 p.m. on the day of the meeting</u> to allow for distribution to 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 during this time.
Written Public Comments	Anyone wishing to provide written public comments may do so <u>prior to 5:00 p.m. of the day of the meeting</u> to allow for distribution to the City Council. Comments must specify what agenda item they are referring to. Comments will become part of the record, however, they will not be read aloud at the meeting.
Televised / Video of Meetings	- Charter – Channel 2 - AT&T Uverse – Channel 99 www.riverbank.org – video icon – under Agendas and Minutes link
City Hall Hours	City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 12, 2019
Subject:	Waiver of Readings
From:	Sean Scully, 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:	February 12, 2019
Subject:	Approval of the January 8, 2019, City Council and Local Redevelopment Authority Minutes
From:	Sean Scully, 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 January 8, 2019, 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. January 8, 2019, 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, JANUARY 8, 2019**

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

Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL

Present:

Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 1 Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *Announced that the New Business Items would be considered after the Consent Calendar Items, and the Public Hearing Items would be considered thereafter.*

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

There were 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.

No one spoke.

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 23, 2018, City Council and Local Redevelopment Authority Minutes.

Item 3.B-1: Approval of the November 13, 2018, 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.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve Consent Calendar Items 3.A through 3.B-1 as presented; Motion carried by unanimous City Council and LRA Board roll call vote.*

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

NAYS: None / ABSENT: None / ABSTAINED: None

MAYOR/CHAIR O'BRIEN PROCEEDED TO THE NEW BUSINESS ITEMS.

4. UNFINISHED BUSINESS *There were not items to consider.*

5. PUBLIC HEARINGS

The public notice for Items 5.1 and 5.2 were published in the Riverbank News on 12/26/2018.

Item 5.1: **First Reading by Title Only and Introduction of a Proposed Ordinance [2019-001] Approving a Rezone of 1.1± Acres to Planned Development Located at Seventh and Sierra Streets (APN 312-015-023) a Project Known as Riverbank Commons** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on January 22, 2019, for consideration of its adoption.

The Planned Development Rezone 01-2017, Architecture & Site Plan Review 02-2017, Tentative Subdivision Map 01-2017 (Dept. File # 17-0015) – Edmond Shamass, applicant; Edward Touma, owner – a fourteen lot gated community including Lot A which consists of streets, parking area, utilities, landscaping, and a small park, which was considered by the Planning Commission, and by a 5-0 vote on October 16, 2018, approved the Tentative Map and Architecture & Site Plan Review for the Project and recommended City Council approval of the proposed ordinance.

City Manager Sean Scully reported that the Item was being reintroduced for reconsideration due to a noticing error, which has been fully conducted and therefore being presented again by Planning and Building Manager Donna Kenney. Ms. Kenney presented the staff report.

Mayor O'Brien opened the public hearing at 6:55 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Campbell / Uribe / passed 5-0) to approve the first reading and introduction of the proposed Ordinance [No. 2019-001] to initiate a second reading by title and consider its adoption on January 22, 2019, as presented. Motion carried by unanimous City Council roll call vote.*
AYES: Campbell, Uribe, Fosi, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Item 5.2: **First Reading By Title Only and Introduction of a Proposed Ordinance [2019-002] Amending Chapter 96: Trees of Title IX: General Regulations by Adding a New Section §96.20: Dangerous Trees, Mistletoe a Nuisance, to the Riverbank Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on January 22, 2019, for consideration of its adoption.

Planning and Building Manager Donna Kenney presented the Staff report. City Council and staff discussed the item.

Look into a program, which in rare incidents would provide some type of coordination to help the homeowner address the problem.

Mayor O'Brien opened the public hearing at 7:01 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (O'Brien / Campbell / passed 5-0) to approve the first reading and introduction of the proposed Ordinance [No. 2019-002] to initiate a second reading by title and consider its adoption on January 22, 2019, as presented. Motion carried by unanimous City Council roll call vote.*
AYES: Campbell, Uribe, Fosi, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

MAYOR/CHAIR O'BRIEN PROCEEDED TO THE COMMENTS SECTION OF THE AGENDA.

6. NEW BUSINESS

Item 6.1: **Neighborhood Improvement Officer I Half-time Position Review** – Staff recommends that the City Council listen to the presentation and extend the half-time position for an additional three (3) months or dictate an alternative timeline.

*Planning and Building Manager Donna Kenney presented the Staff report.
City Council and Staff discussed the item.*

ACTION: *By motion moved and seconded (Uribe / Fosi / passed 5-0) to approve a 6-month extension, to the end of June 2019, of the half-time Neighborhood Improvement Officer position; to be reevaluated at the next fiscal year budget.
Motion carried by unanimous City Council roll call vote.
AYES: Campbell, Fosi, Uribe, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 6.2: **Annual Compliance Review of the Development Agreement (01-2017) between the City of Riverbank and PACAFI Cooperative, Inc., a California Cooperative Corporation doing business as "Flavors"** – Find the applicant(s) in compliance with the Development Agreement for the time period of January 1, 2018 to January 1, 2019.

*Planning and Building Manager Donna Kenney presented the Staff report.
City Council and Staff discussed the item.*

ACTION: *By motion moved and seconded (Fosi / Campbell / passed 5-0) to accept the finding of an annual compliance review of PACAFI Cooperative, Inc., a California Cooperative Corporation doing business as "Flavors" who is in compliance of the 3-year Development Agreement (#01-2017) for operation of a cannabis dispensary within the City of Riverbank for the period of January 1, 2018 to January 1, 2019.
Motion carried by unanimous City Council roll call vote.
AYES: Campbell, Uribe, Fosi, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

MAYOR/CHAIR O'BRIEN PROCEEDED TO ITEM 6.4, PENDING THE ARRIVAL OF THE CITY ATTORNEY.

Item 6.3: **Consideration of a Resolution [No. 2019-001] Creating a Permanent Moratorium on the Processing and Issuance of Additional Permits for a Cannabis Dispensary within the City of Riverbank and Directing Staff to Bring Forward an Amendment to Riverbank Municipal Code Chapter**

120: Cannabis Regulations – It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

1. Approve the proposed Resolution to make the moratorium on cannabis dispensaries permanent and direct staff to bring forward an amendment to Chapter 120 of the Riverbank Municipal Code; or
2. Allow the existing moratorium to expire on January 23, 2019.

Planning and Building Manager Donna Kenney presented the Staff report.

City Council and Staff discussed the item.

Councilmember Uribe and Mayor O'Brien spoke in favor of allowing the moratorium to expire; Vice Mayor Barber-Martinez, Councilmember Campbell, and Councilmember Fosi spoke in favor of extending the moratorium for one year to allow the City time to monitor the existing dispensaries, and make a decision at the end of a year.

ACTION: *By motion moved and seconded (Uribe / O'Brien / Failed 3-2) to adopt Resolution No. 2019-001 approving option #2 – to allow the moratorium to expire. Motion failed by City Council roll call vote.*

AYES: Uribe, and Mayor O'Brien

NAYS: Campbell, Fosi, and Vice Mayor Barber-Martinez

ABSENT: None / ABSTAINED: None

ACTION: *By motion moved and seconded (Fosi / Campbell / Passed 4-1) to adopt Resolution No. 2019-001 approving option #3 – to extend the moratorium for one year. Motion carried by City Council roll call vote.*

AYES: Campbell, Uribe, Fosi, and Vice Mayor Barber-Martinez

NAYS: Mayor O'Brien

ABSENT: None / ABSTAINED: None

MAYOR/CHAIR O'BRIEN RETURNED TO ITEM 5.1, PENDING THE ARRIVAL OF THE CITY ATTORNEY.

Item 6.4: **Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and City Council/LRA Appointments to Internal City Committees for the Year 2019** – It is recommended that the City Council / Local Redevelopment Authority Board:

- 1) review the appointment lists; and
- 2) volunteer or nominate a member of the City Council/LRA to serve as the representative; and
- 3) by roll call vote, ratify the appointments for the year 2019.

City Manager Sean Scully presented the staff report.

City Council/LRA Board made the following changes to the 2018 list for the year 2019 appointments:

BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2018 - Appointments)
<u>LEAGUE OF CALIFORNIA CITIES</u> <u>CENTRAL VALLEY DIVISION EXECUTIVE</u> <u>COMMITTEE</u>	Councilmember Cal Campbell (Primary) Mayor Richard D. O'Brien (Alternate) <i>No changes were made.</i>
<u>LEAGUE OF CALIFORNIA CITIES ANNUAL</u> <u>CONFERENCE VOTING DELEGATE(S)</u>	Primary and Alternate to be determined in June. (The appointment is typically made in June upon the League's request.)
<u>NORTH COUNTY CORRIDOR</u> <u>TRANSPORTATION EXPRESSWAY</u> <u>AUTHORITY BOARD</u>	Mayor Richard D. O'Brien (Primary) Vice Mayor Darlene Barber-Martinez (Alternate) <i>No changes were made.</i>
<u>San Joaquin Valley</u> <u>Air Pollution Control District</u> <u>Special City Selection Committee</u>	Vice Mayor Darlene Barber-Martinez (Primary) Councilmember Leanne Jones Cruz Councilmember Luis Uribe (Alternate)
<u>STANCOG – POLICY BOARD</u>	Mayor Richard D. O'Brien Primary Councilmember Cal Campbell (Alternate) <i>No changes were made.</i>
<u>STANISLAUS OFFICE OF EMERGENCY</u> <u>SERVICES</u> <u>DISASTER COUNCIL</u> (Note: Appointment is a 2-year term, ending 12/2020.)	Vice Mayor Darlene Barber-Martinez (Primary) Councilmember Leanne Jones Cruz Councilmember Luis Uribe (Alternate)
<u>WORKFORCE DEVELOPMENT BOARD</u> (formerly the Stanislaus Business Alliance Board that ended 6/2016) (Note: There is no alternate designation to the Board. Councilmember Campbell was appointed on 7/2016 by the Board of Supervisors to serve a 2-year term, expiring 6/30/2018.)	*Councilmember Cal Campbell <i>*City Council directed to have staff conduct further research on the appointment to this Board and return with a clarification of the seat to fill.</i>
<u>Lower Stanislaus River Trail</u> <u>Improvement Plan Committee</u> (Resolution No. 2013-069)	No representative would be assigned until further notice. <i>No changes were made.</i>

CITY/LRA COMMITTEES	COUNCIL/LRA LIAISON (2018 – Appointments)
<u>BUDGET ADVISORY COMMITTEE (BAC)</u>	Councilmember Cindy Fosi (Primary) Councilmember Leanne Jones Cruz Councilmember Luis Uribe (Alternate)
<u>FRIENDS OF JACOB MYERS PARK (JMP)</u> (A non-profit organization)	Vice Mayor Darlene Barber-Martinez (Primary) Councilmember Cal Campbell (Primary) Councilmember Cindy Fosi (Co-Primary) Councilmember Leanne Jones Cruz (Alternate) Vice Mayor Darlene Barber-Martinez (Alternate)
<u>LOCAL REDEVELOPMENT AUTHORITY COMMUNITY ADVISORY COMMITTEE</u>	This committee voluntarily decided to suspend meetings indefinitely.
<u>SISTER CITY COMMITTEE</u>	No representatives until further notice.

ACTION: By motion moved and seconded (Uribe / Barber-Martinez / Passed 5-0) to approve ratification of the appointments for the year 2019 as stated.

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

MAYOR/CHAIR O'BRIEN RETURNED TO ITEM 6.3 WITH CITY ATTORNEY TOM HALLINAN'S ARRIVAL AT 6:30 P.M.

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 – *There were no comments.*

Item 7.2: Council/Authority Member

- Council/Authority Member Uribe announced: 1) that he held his first meet and greet yesterday in the Chambers, and will be scheduling more; 2) that he attended the Homeless PIT (Point and Time) volunteer training at Scout Hall; and 3) that he will be attending the League of California Cities [New Mayor and Council Member Academy] training from January 16 – 18.

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: announced that in 2019 the City will be looking at the North County Corridor final approval; the Crossroads West Project for consideration; and the Master

Developer Agreement for consideration soon. He commented on the targeting of Law Enforcement during routine inspections, and the recent fatal shooting of Officer Singh in Newman. Part of a spatial analysis priority will be for a new Police Department facility to provide security for officers entering and exiting their vehicles; perhaps combine efforts with the Sheriff's Department.

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 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 7:08 P.M.

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
Property Negotiator: Aemetis, Inc.

Item 8.2: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: APN 132-011-017
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Horisons Limited

Item 8.3: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (1) potential case

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 7:47 P.M.

Item 9.1: Report from Closed Session on Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Horisons Limited

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

Item 9.2: Report from Closed Session on Item 8.2: CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Aemetis, Inc.

Mayor Obrien reported that direction was provided to staff.

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** (1) potential case

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

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:48 p.m.

APPROVED:

Richard D. O'Brien
Mayor / Chair

***ATTEST to the accuracy of these minutes
based on the personal review of the recording
of the meeting: (Adopted 02/12/2019)***

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 12, 2019
Subject:	A Resolution Authorizing the Appointment of the Stanislaus County Public Health Officer as the City Of Riverbank Public Health Officer
From:	Sean Scully, City Manager
Submitted by:	Norma Torres-Manriquez, Administrative Analyst II

RECOMMENDATION

It is recommended that the Riverbank City Council adopt the attached resolution authorizing the Stanislaus County Public Health Officer, per section 101460 of the California Health and Safety Code, to be appointed as the City of Riverbank Public Health Officer.

SUMMARY

The Stanislaus County Public Health Officer (Currently Dr. Julie Vaishampayan) has been performing the task of Public Health Officer to the unincorporated areas and nine cities within Stanislaus County without a formal agreement. In order to comply with the required State regulations it is necessary that each city in Stanislaus County adopt a resolution giving the Stanislaus County Health Officer the authority to perform in this capacity.

BACKGROUND

The Stanislaus County Public Health Officer has provided and continues to provide public health services to the entire County. The Stanislaus Public Health Officer has agreed to provide Riverbank with public health services pursuant to the State of California Health and Safety Code section 101375 upon the adoption of a resolution or ordinance by the Riverbank City Council. The resolution presented will authorize the Stanislaus Public Health Officer to continue to provide services on a daily bases and more importantly during any health emergency or disaster in the City of Riverbank.

The Health and Safety Code section 101380 provides that such services will begin the first day of July upon notice of adoption of a resolution by the City to the County by the first day of March. However, the Stanislaus Public Health Officer is willing to begin providing services to Riverbank thirty (30) days after receiving notice of the City's adoption of the resolution delegating public health office duties to the County's Public Health Officer.

STRATEGIC PLAN

The adoption of this resolution will aid in the health and safety of the City.

FINANCIAL IMPACT

No fiscal impact to the City at this time.

ATTACHMENT

1. Resolution
2. Letter Re: County Public Health Officer dated Jan. 22, 2019

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE APPOINTMENT OF THE STANISLAUS COUNTY PUBLIC HEALTH OFFICER AS THE CITY OF RIVERBANK PUBLIC HEALTH OFFICER

WHEREAS, pursuant to Section 101460 of the California Health & Safety Code, every governing body of a city shall appoint a health officer; and

WHEREAS, pursuant to Section 101375 of the California Health & Safety Code the Riverbank City Council may consent by resolution to appoint the Stanislaus County Health Officer to serve as Health Officer for the City of Riverbank; and

WHEREAS, the City of Riverbank desires to reaffirm its delegation of authority to the Stanislaus Public Health Officer in the form of a resolution; and

WHEREAS, the Stanislaus Public Health Officer will be authorized to provide health services, guidance, and assistance for the City of Riverbank. The Public Health Officer will be authorized to enforce all health and sanitation laws, and implant the health and safety regulations required by the State of California; and

WHEREAS, the Stanislaus Public Health Officer will provide services during an emergency or disaster, like enforced isolation or quarantine, and declare if needed a local health emergency for the City of Riverbank; and

WHEREAS, the Stanislaus County Public Health Officer agrees to provide Riverbank with public health services pursuant to Health and Safety Code section 101380. Although the Health & Safety Code 101380 provides that such services will begin the first day of July upon notice of adoption of a resolution by the City to the county by the first day of March; the Stanislaus County Public Health Officer agrees to begin providing services to the City of Riverbank thirty (30) days after receiving notice of the City's adoption of the resolution; delegating public health office duties to the Stanislaus County's Public Health Officer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank grants to the Stanislaus County Public Health Officer authority to enforce and assist with all the State and local regulations related to the public health in and for the City of Riverbank.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12th day of February, 2019; 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



HEALTH SERVICES AGENCY

Public Health Division

820 Scenic Drive, Modesto, CA 95350-6194

Julie Vaishampayan, MD, MPH

Public Health Officer

January 22, 2019

City Manager

Re: County Public Health Officer

Dear Mr. Scully,

As you know, the Public Health Officer provides services to the unincorporated areas of the County, and has also provided the same services to the cities, such as isolation of people with infectious tuberculosis. The Public Health Officer has provided and continues to provide guidance to the cities for common public health issues.

To provide services during an emergency or disaster, like enforced isolation or quarantine, a declaration of a local health emergency for the city may be needed. To declare a public health emergency on behalf of your city and provide emergency public health services a formal agreement or resolution is required by the Health and Safety Code.

The Public Health Officer is willing to provide Riverbank with public health services pursuant to Health and Safety Code (HSC) section 101380 upon adoption of a resolution or ordinance by the City of Riverbank. HSC section 101380 provides that such services will begin the first day of July upon notice of adoption of a resolution by the City to the County by the first day of March. However, the Public Health Officer is willing to begin providing services to Riverbank thirty days after receiving notice of the City's adoption of the resolution delegating public health office duties to the County's Public Health Officer.

Please let me know if you have any further questions about this, or if I can be of help in any way.

Sincerely,

Julie Vaishampayan, MD, MPH
Public Health Officer
Stanislaus County

Cc: City Emergency Manager and Richard Murdock, Assistant Director of Emergency Services

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	February 12, 2019
Subject:	Consider a Resolution to Approve the Waiver of Storm Drain System Development Fees for the NNN Retail Development / Dollar general Project Located at 5842 Roselle Avenue
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council consider the petition from NNN Retail Development to waive payment for the Storm Drain System Development Fee which will be assessed on the construction of the Dollar General Project at permit issuance.

SUMMARY

NNN Retail Development submitted a written request (Attachment 2) to waive payment for their Storm Drain System Development Fee, which will be assessed on the construction of the Dollar General Project. There is currently no administrative process to consider waiver requests at staff level and therefore, the request has been brought forward to the City Council for consideration.

BACKGROUND

The City currently collects System Development Fees at Building Permit issuance to defray the impact of new development as authorized by Government Code §66000-66025. The City's System Development Fee program is codified in §150.30 titled "System Development Fees" which establishes the authority for imposing and charging the fees. System Development fees are collected in order to:

- 1) To provide an adequate and constant method for the financing of the unfunded portion of need systems development costs throughout the city, reasonably related to projected community growth.

- 2) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- 3) To ensure the continuation of necessary services including, but not limited to, police and general administrative services.
- 4) To establish equitable methods for minimizing public facility and service costs to the city associated with new development.

As defined within Riverbank's municipal code, System Development Fees are ***charged to new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development.***

On January 24, 2019, the City received a request from NNN Retail Development to waive the Storm Drain System Development Fee for the project. This project, Dollar General, will be assessed the following estimated System Development Fees for the project on their Building Permit:

System Development Fee Type	Amount
Streets/Public Works	\$51,524.20
Water	\$18,413.85
Waste Water	\$12,535.25
Storm Drain	\$37,259.95
Parks and Recreation	\$0
Police/General Government	\$2,420.60
5% Administrative Fee	\$6,429.15
Total System Development Fees	\$128,583.00
Plus Building Permit fees of approx. \$6,000	\$134,583.00 total City fees
Plus Stanislaus County Fees	Amount unknown at this time

For this proposed waiver, the payment at building permit issuance would include the Water fee, Waste Water fee, Police/General Government fee, 5% Administrative Fee, and all the normal permit fees plus the fee staff collects for Stanislaus County. This waiver would apply only to Riverbank's Storm Drain System Development Fee. It does not include any plan check fees or fees imposed by any other agency such as the fire district, the school district, or the County. NNN Retail Development has the ability to negotiate with the other agencies to waive or defer their fees.

ANALYSIS

The City Manager and Planning and Building Manager analyzed the request received from NNN Retail Development. An evaluation of the potential impacts of this project was considered and the following determinations were made:

- 1) By allowing a portion of the fees to be waived, it makes the financing of the project easier for the developer and they can focus their resources on undergrounding electrical lines and extending the fire line under Roselle Avenue.
- 2) The design of the site includes a large storm water retention pond (with additional land for expansion) that will allow the developer to contain all storm water on site.

Based on the analysis performed, staff has determined that due to the recovering economy and the additional expense of bringing utilities under Roselle Avenue, it is recommended that the City Council consider a waiver of the Storm Drain System Development Fee to encourage construction and thereby, job growth, a public benefit. The developer/property owner will be bringing a retail use to a neighborhood that currently has to drive to other areas of the City to make retail purchases.

FUTURE CONSIDERATION

The City's current System Development Fee (SDF) program does not provide an administrative process to consider the waiver of fees and/or negotiations for fee reductions. Staff encourages the City Council to consider adding an administrative process for the City Manager to be able to waive or defer fees under a set dollar amount. This would require direction from the Council for staff to return with an ordinance amendment.

FINANCIAL IMPACT

The System Development Fee program is designed as a mechanism to collect impact fees to build infrastructure necessary to support new growth City-wide. Careful evaluation of each proposed project is necessary to understand potential funding shortfalls which might be created as a result of granting waiver requests. In the case presented above, only the Storm Drain fee would be waived. Therefore, there is a financial impact of \$37,259.95.

STRATEGIC PLAN

This item is indirectly related to the City's Strategic Plan through fee program updates.

ATTACHMENT

Attachment 1 - CC Resolution No. 2019-XXX to Waive a Fee
Attachment 2 - NNN Retail Development Waiver Request Letter

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO APPROVE THE WAIVER OF STORM DRAIN SYSTEM DEVELOPMENT FEES FOR THE NNN RETAIL DEVELOPMENT / DOLLAR GENERAL PROJECT LOCATED AT 5842 ROSELLE AVENUE

WHEREAS, it is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and

WHEREAS, from time to time, the City Council reviews the fees to ensure that they are adequately supporting the operation of City Government; and

WHEREAS, on January 24, 2019, the City received a request from NNN Retail Development to waive the Storm Drain System Development Fee for the Dollar General Project; and

WHEREAS, the Dollar General Project will be assessed the following estimated System Development Fees for the project on their Building Permit:

System Development Fee Type	Amount
Streets/Public Works	\$51,524.20
Water	\$18,413.85
Waste Water	\$12,535.25
Storm Drain	\$37,259.95
Parks and Recreation	\$0
Police/General Government	\$2,420.60
5% Administrative Fee	\$6,429.15
Total System Development Fees	\$128,583.00
Plus Building Permit fees of approx. \$6,000	\$134,583.00 total City fees
Plus Stanislaus County Fees	Amount unknown at this time

WHEREAS, for this proposed waiver, the payment at building permit issuance would include the Water fee, Waste Water fee, Police/General Government fee, 5% Administrative Fee, and all the normal permit fees, plus the fee staff collects for Stanislaus County; and

WHEREAS, this waiver would only apply to Riverbank's Storm Drain System Development Fee, which does not include any plan check fees or fees imposed by any other agency such as the Fire District, School District, or County; and

WHEREAS, NNN Retail Development has requested the City Council review and waive the Storm Drain System Development Fees assessed on the construction of the Dollar General Project located at 5842 Roselle Avenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the waiver of Storm Drain System Development Fees for the Project in the amount of \$_____.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12th day of February, 2019; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

January 24, 2019

Ms. Donna Kenney
City of Riverbank
6707 Third Street
Riverbank, CA 95367

***RE: Dollar General Project – 5842 Roselle Avenue, Riverbank, CA
Request for Waiver of the Storm Water Impact Fee***

Dear Donna,

We would like to formally request to have our storm water impact fee in the amount of \$37,259.95 waived by the City. We are making this request in order to make our project financially viable so that we can move forward with the purchase of the property and development of the new Dollar General. The reason we have zeroed in on the storm water impact fee is because the design of our site includes an on-site retention basin ("retention pond") along with catch basins and storm sewer lines all connecting to this retention pond that will allow us to contain all of our additional runoff completely on-site. Therefore, we will not be adding any additional capacity whatsoever to the city's storm water system. Our rationale is simply for us not being required to pay for something that we won't be using.

In addition, we want to point out that even after we exclude the storm water impact fee our overall total fee's including all other impact fees for our project amount to over \$142,000 (see attached). These fees along with needing to underground the electrical lines and the fire line from across Roselle Avenue make our project very challenging from a financial perspective.

We appreciate the City's consideration and hope that you will find our request to be fair and reasonable.

Sincerely,



David Church
NNN Retail Development
(858) 354-0007

9100 square feet
\$612,430 valuation

Planning Architectural & Site Plan Review	\$1,500.00
Landscape Review	\$547.05
CEQA (Catagorical Exemption)	

Building Fees:

Building Permit	\$3,767.79
Plan Check	\$2,449.07
Seismic Commerical	\$171.48
Sewer Connection	\$1,030.00
Water Connection	\$875.00
Utility Deposit	\$60.00
Building File Maintenance Fee	\$12.50

<u>Electrical</u>	\$323.50
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<u>Plumbing</u>	\$300.95
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<u>Mechanical</u>	\$323.50
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Development Fees:

Streets/Public Works	\$51,524.20
Water	\$18,413.85
Waste Water	\$12,535.25
<i>Storm Drainage</i>	<i>\$0.00</i>
Police/General Government	\$2,420.60
County Fee	\$24,634.00
System Fee Admin Fee	\$6,429.15
Undergrounding	\$0.00
Undergrounding Admin Fee	\$0.00

Public Works On & Off Site infrastructure	\$5,000.00
Civil Review - City Engineer	\$10,000.00

Fire	\$2,184.00
Schools	\$5,551.00

Total	\$142,317.89
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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	February 12, 2019
Subject:	Bid Award for 2019 Cheese & Wine Festival
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council review the bid results for the Contract for coordination of the 2019 Cheese & Wine Festival and give staff direction.

SUMMARY

The City Parks and Recreation Department sent out a Request for Proposal for the 2019 Cheese & Wine Festival in December, 2018 and bids were due January 2, 2019. The RPF was sent to 10 potential event coordinators.

The Director of Parks and Recreation will discuss the bids received and present four options for the City Council to consider. It is important for staff to receive direction so planning for the festival can begin. Once direction is received, a contract will be brought back to the City Council for approval.

BACKGROUND

The Parks and Recreation Department has overseen the Riverbank Cheese & Wine Festival for the past 5 years and has contracted with Chris Ricci Presents, Inc. to coordinate and promote the event. The event has been well attended, safe and financially stable.

This will be the 43rd year the festival has been held in Riverbank. The Chamber of Commerce administered the event for the first 29 years and the Riverbank Rotary Club for 8 years. The Community enjoys this event but some members of the community want the festival to be what it was 15-20 years ago when there were 300 vendors of high quality and higher attendance. This is a challenge as there are many more festivals now and vendors have more choices of which ones to attend. Last year, there were three to four other events on the same day as our festival. The City Parks and Recreation staff took over vendor coordination the past two years and did our very best to increase the number

(ADDED REPORT)

and quality of the vendors. Vendor numbers were down this past year. The festival overall was a fun event and our evaluation was it was a success. The wine tasting tickets sales were up and many of our vendors were happy. Attendance was up and the event was safe.

A request for proposal was sent out in December for the coordination of the 2009 Riverbank Cheese & Wine Festival. The bids were due January 2, 2019. Out of the 10 proposals sent out, two were received. One bid was from Chris Ricci Presents, Inc. and one was from The Food Dude Catering/ Zachary Fisher.

After careful review of each proposal and an interview, it is recommended that the contract be awarded to Chris Ricci Presents, Inc. as he has the most experience with this size and type of festival.

The Options for City Council Consideration are as follows:

Option #1

Award the contract to Chris Ricci Presents, Inc. for \$16,000. It would be expected that less time be required of City staff as the festival has been under this contract for the past 5 years. Staff will continue to be involved in vendor communication and placement.

Option #2

Discontinue the Cheese & Wine Festival. Even though the Parks and Recreation Department did their best in conjunction with Chris Ricci Presents, Inc. to save this event, it is unlikely that it can be what it was 15-20 years ago with the number and quality of vendors and overall magnitude of the event. There are too many festivals now that occur that were not in operation back then.

A new event could occur in downtown Riverbank that may be presented to the City Council for approval in the future. The funds in the Cheese & Wine account could be used as start up money for this new event.

Option #3

The City Parks and Recreation Department could run the event independently of a contract minus the Cheese & Wine component, which is the most important component of this event. This component could be offered to interested non-profit groups as a fundraiser. This option would require additional staff time and would need to be implemented for the October 2020 Cheese and Wine event.

Option #4

Allow the event to occur as a non-city event. Anyone wanting to take over the Festival would fill out a City Wide Special event application and if acceptable it would be approved. The City would not be involved other than providing permits and approvals. An alternative would be that the event could be sold to the highest bidder.

FINANCIAL IMPACT:

There should be no financial impact to the General Fund for this Festival. Over the past 5 years the event has been successful financially.

The total cost of the event has been averaging \$100,000, which includes the event coordinator cost and all the subcontracts and expenses that occur in order to operate all components of the event. The revenue averages approximately \$106,000.

STRATEGIC PLAN

This item supports our Mission Statement of *The City of Riverbank is committed to providing exceptional municipal services in a fiscally sound and professionally responsible manner for our community.*

ATTACHMENTS:

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date: February 12, 2019

Subject: Sheriff Classification Change and Change to Riverbank Law Enforcement Services Contract

Submitted by: Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council provide direction to the City Manager regarding the proposal presented by Stanislaus County relating to sharing of additional contract law enforcement costs to be incurred during the current law enforcement services contract.

Council could choose to provide direction in one of the following ways:

1. Direct City Manager to inform Stanislaus County that the City is in agreement with the cost sharing and flexible services proposal outlined in the CEO's December 5th letter.
2. Direct the City Manager to inform Stanislaus County that the City is not in agreement with the proposal and is prepared to cover the entire increase in salary.
3. Any other alternate direction as dictated by the City Council.

SUMMARY

During the fourth quarter of 2018, City Management was notified by the Stanislaus Sheriff and CEO that the Stanislaus County Board of Supervisors would be considering adjustments to the salary schedules within the Sheriff's Department. Specifically, the request considered by the Board of Supervisors was to implement changes to the classification and compensation structure within the Sheriff's Department. While a number of positions are affected the primary driver for the change was relating to the Sheriff Deputy position. The Sheriff's Department has struggled (like many law enforcement agencies in the San Joaquin Valley) during and after the recession in attracting and retaining sworn deputies. Highlighting the recruitment difficulties, the presentation to the Board of Supervisors indicated that Deputy Sheriff position vacancies have averaged between 18-20 months over the past year.

In order to address these staffing concerns the Board Considered and approved an additional Deputy classification, Deputy Sheriff II. Prior to this approval there was no journey level classification above the entry level Deputy Sheriff I position. The Deputy Sheriff II position will be compensated 10% above the entry level Deputy I position. In order to qualify for the Deputy Sheriff II position the Deputy must have a minimum of two (2) years' experience as well as complete four core training courses. It is anticipated that the Deputy Sheriff II classification will allow Stanislaus County to be more competitive in retaining and attracting law enforcement officers.

Obviously the creation of this additional classification will create increased costs for law enforcement staffing. The CEO's letter (attached) estimates that the additional costs for the balance of Fiscal Year 2018/2019 is approximately \$111,567 and the estimated increase in cost over current forecasted budget for Fiscal Year 2019/2020 is approximately \$228,165. The CEO indicates in his letter that these unexpected costs may present a financial burden to contract City's. That being the case, the County has proposed to cover 50% of the increase in cost for the remainder of our law enforcement contract (estimated to be \$55,783 in FY 2018/2019 and 114,082.50 in FY 2019/2020). In exchange for the County's splitting of the increase with the City, the County has requested "additional flexibility in reassigning staff that normally work exclusively with the City to work in unincorporated areas, when necessary, to ensure staffing levels address critical needs throughout the County". The letter indicates that this is not anticipated to be a frequent occurrence and the City would not be paying for Deputy's salaries when if they are assigned outside of City limits. Staff has engaged in discussions with Chief Kiely about the practical implications of this proposed flexibility and have been informed that it is not anticipated to change Riverbank service levels in any noticeable or practical way.

The current contract with the Sheriff for law enforcement services is active until June 30, 2020. If Council provides direction to accept the County's offer, staff will work to review any operational issues that may occur as a result of the agreement during the last 18 months of our law enforcement services contract.

Alternatively, if Council were to provide direction to decline the County's offer the City's current agreement would remain unchanged with the exception of a midyear budget impact of \$111,567 and budget impact next fiscal year of \$228,165. The budgetary impact of this direction would make hiring any additional deputies very difficult within the confines of our current and forecasted future budgets.

FINANCIAL IMPACT

If the Council provides direction to accept the County's offer the total budgetary impact to the City of Riverbank for the current and next fiscal year is an increase in law enforcement contract expenditures of approximately **\$169,865.50** (\$55,783 in FY 2018/2019 and 114,082.50 in FY 2019/2020).

Alternatively if the Council provides direction to refuse the County's offer the total budgetary impact to the City of Riverbank for the current and next fiscal year is an

increase in law enforcement contract expenditures of approximately **\$339,732** (\$111,567 in FY 2018/2019 and \$228,167 in FY 2019/2020).

Both options result in additional costs to the general fund as the general fund is the primary source of law enforcement funding.

STRATEGIC PLAN

One of the key components of the Strategic Plan is attract develop and retain quality staff. While not directly employed by the City of Riverbank the law enforcement contract with the Sheriff provide staffing for a Police Department that incorporate into the organization of the City of Riverbank.

ATTACHMENT

1. Letter from Stanislaus County Chief Executive Officer Jody Hayes



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
*Chief Operations Officer/
Assistant Executive Officer*

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

December 5, 2018

Sean Scully, City Manager
City of Riverbank
6707 3rd Street
Riverbank, CA 95367

Re: City of Riverbank Law Enforcement Services Contract

Dear Mr. Scully:

Thank you for attending the meeting held on November 20, 2018 to discuss changes which affect the current contract between the Stanislaus County Sheriff and the City of Riverbank for the provision of law enforcement services. As you know, the County is planning to present the Board of Supervisors with a plan to implement changes to our classification structure at the Sheriff's office. These changes will take effect January 5, 2019 and are expected to result in an increased cost for law enforcement services.

For the City of Riverbank, these additional costs are estimated at \$111,567 for the balance of Fiscal Year 2018-2019 and \$228,165 for Fiscal Year 2019-2020. This increased cost impact was communicated via a schedule sent to you on November 14, 2018. We recognize this could present a financial burden that may not be easy to absorb with the notice given. To assist in alleviating this burden, the County would like to extend an offer of assistance to the City of Riverbank to cover 50% of the additional cost impact disclosed through the remainder of the current contract. The County will provide \$55,783.50 in Fiscal Year 2018-2019 and \$114,082.50 in Fiscal Year 2019-2020. Both of these amounts are estimates and are subject to change as more accurate information becomes available. We will include this cost sharing strategy in our recommendations to the Board of Supervisors when the matter is planned for consideration on December 11, 2018.

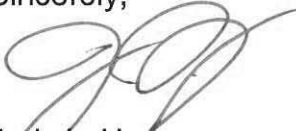
These staffing decisions were made in part to address a high vacancy issue currently being experienced by the Sheriff's office. Much has been done to ensure that the high vacancy rate experienced in the Deputy Sheriff classification did not affect the level of contracted services provided to the City of Riverbank and services have been fully provided as agreed to in the current County/City contract. Moving forward, we seek your support in sharing in some of this vacancy impact. In exchange for the offer of assistance with the increased

contract costs, the County requests that the City support our need for additional flexibility in reassigning staff that normally work exclusively with the City to work in unincorporated areas, when necessary, to ensure staffing levels address critical needs throughout the County. It is not anticipated that this would occur often, and you would not be paying for labor costs if staff are assigned for full shifts outside of providing law enforcement services to the City of Riverbank. As is our current practice, we would not adjust the costs of the contract for brief periods of support that Deputy Sheriffs may deliver outside City limits providing mutual assistance with other Sheriff operations. That practice will remain the same, recognizing that Sheriff personnel routinely support one another in and around city limits to maintain the safety of our community.

The current high vacancy rate in operations makes it necessary for the County to ask for City support in providing this additional flexibility for the remainder of the current contract which ends June 30, 2020. Support for covering 50% of the additional costs related to this contract would be contingent upon the City's agreement to allow for this additional flexibility. We acknowledge that some of the cities may not be interested in accepting the offer from the County and may instead decide to cover 100% of this cost increase and continue to require that law enforcement services be provided in full as listed in the contract. If this is the decision elected by the City, we ask that you inform us by January 11, 2019 so that the County may plan accordingly.

As always, we value the relationship and opportunity to partner with the City of Riverbank to provide law enforcement services. We recognize the value that is brought to the community by partnering for law enforcement services, which among many other things, bring a strong criminal activity deterrent. We look forward to continuing our partnership.

Sincerely,



Jody L. Hayes
Chief Executive Officer

cc: Sheriff Adam Christianson
Sheriff-Elect Jeff Dirkse
Angelica Ramos, Senior Management Consultant