



**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, DECEMBER 10, 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

- Item 1.1:** Recognition – Robert Ball, Leaving the Office of Planning Commissioner.
- Item 1.2:** Administer the Oath of Office and Present the Certificate of Appointment to Planning Commissioner Steve Link.

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 November 12, 2019, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** to Rescind Resolution No. 2005-043 and to Authorize the City Manager to Approve Budget Amendments up to \$25,000.

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

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2019-008 Amending Title XIII: Land Usage, Chapter 134: Prohibition Against Underage Drinking And Social Host Liability by Repealing this Chapter in its Entirety and Substituting it with a New Chapter 134: Prohibition Against Underage Drinking And Cannabis Use And Social Host Liability, to the Riverbank Municipal Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2019-008 and consider its adoption by roll call vote.

5. PUBLIC HEARINGS

The public notice for Item 5.1 was published in the Riverbank News on 11/6/2019. The public notice for Item 5.2 was published in the Riverbank News on 11/27/2019.

Item 5.1: **A Resolution Accepting the Fiscal Year 2018-19 Annual AB 1600 Report of System Development Fee Activity** – It is recommended that the City Council adopt a Resolution accepting the Fiscal Year 2018-19 Annual AB 1600 Report of System Development Fee Activity.

Item 5.2: **Conduct the Public Hearing and Table Consideration of the Closeout of the 16-CDBG-11211 Grant Under the State of California Housing and Community Development Economic Development Over The Counter (OTC) Allocation in Support of a Commercial Business to Finance Public Infrastructure to Meet the Needs of Repsco Inc.** – It is recommended that the City Council conduct the public hearing and table the matter by:

1. Questions or Comments by the Council;

2. Open the public hearing;
3. Receive comments;
4. Close the public hearing; and
5. By roll call vote, table the public hearing until further notice.

6. NEW BUSINESS

Item 6.1: **Conduct Public Interviews and Select an Applicant to serve as the Riverbank Representative on the Stanislaus County Fire Protection District Board of Directors; and Adopt a Resolution to Approve the Appointment of (TBD) to the Stanislaus Consolidated Fire Protection District Board of Directors as the City of Riverbank Representative** – It is recommended that the City Council conduct the public interviews and by a majority roll call vote select an applicant as the City of Riverbank's Representative to the SCFPD Board of Directors, and confirm the appointment by adoption of a Resolution.

Item 6.2: **Consider a Resolution to Approve a Memorial at Sorenson Park for Ismael Martinez-Huertas as Requested by Mrs. Alcira Vega** – It is recommended that the City Council consider authorizing a memorial for Ismael Martinez-Huertas at Sorenson Park.

Item 6.3: **A Resolution Requesting that the Stanislaus County Sheriff's Department Appoint Lieutenant Ed Ridenour to the Position of Chief of Police for Riverbank Police Services** – It is recommended that the City Council approve the attached resolution formally requesting that the Stanislaus County Sheriff appoint Lieutenant Ed Ridenour to the position of Chief of Police for Riverbank Police Services.

Item 6.4: **Water Consumption Billing Update** – It is recommended that the City Council receive an update regarding the status of water consumption billing and provide direction to staff.

Item 6.5: **Cannabis Development Proposals – On-Site Consumption – Discussion and Direction** – It is recommended that the City Council review the provided information regarding the onsite consumption of cannabis, take public comment, and provide direction to staff.

Some options for direction could include:

1. Direct staff to research and return to City Council draft code amendments to the cannabis ordinance that Council could consider that addresses onsite consumption.
2. Determine that the current code is sufficient and that no changes are needed at this time, which would keep in place no allowance for onsite consumption.
3. Request additional research and analysis.

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 – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

Stanislaus County Superior Court Case No. CV-19-004402

Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: Three (3) potential cases

Item 8.3: **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.

Under Negotiation: Price, terms of payment, or both

Item 8.4 **PUBLIC EMPLOYMENT**

Pursuant to Government Code Section 54957(b)

Title: City Manager

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

Item 9.2: Report from Closed Session on Item 8.2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Three (3) potential cases

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

Item 9.4: Report from Closed Session on Item 8.4: **PUBLIC EMPLOYMENT** – City Manager

ADJOURNMENT

(The City's next regular City Council meeting – Tuesday, January 14, 2020 @ 6:00 pm)

UPCOMING EVENTS:

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.
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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 California Ralph M. Brown Act.

Posted this 5th day of December, 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 AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	December 10, 2019
Subject:	Recognition – Robert Ball, Leaving the Office of Planning Commissioner
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council present a plaque recognizing Robert Ball for his service as Riverbank Planning Commissioner from January 1, 2018 through October 31, 2019.

SUMMARY

Robert Ball, Planning Commissioner from January 1, 2018 through October 31, 2019, has recently purchased a home and moved to Modesto. Therefore, he is unable to continue to participate on the Riverbank Planning Commission. Mr. Ball became the Planning Commission's Vice Chair on March 20, 2018 and has been doing an excellent job. He has attended every meeting asked of him and was always prepared, asking excellent questions and engaging the applicants. The Planning Commission honored him at their meeting of November 17, 2019 and will miss having him at the dais.

FINANCIAL IMPACT

There is no financial impact with this report.

ATTACHMENTS

1. Planning Commission Resolution 2019-019

Planning Commission
Resolution No. 2019-020

A Resolution of the Planning Commission of the City of Riverbank Commending Robert Ball for his Contribution to the Community of Riverbank.

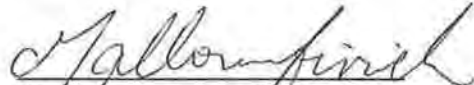
Whereas, Robert Ball began his tenure as a Commissioner of the City of Riverbank Planning Commission on January 1, 2018 and was appointed Vice Chair of the Planning Commission on March 20, 2018; and

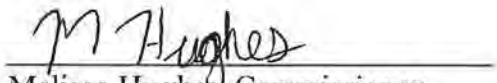
Whereas, Robert Ball has demonstrated his commitment to the Community by his participation on the Planning Commission; and

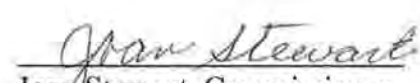
Whereas, Robert Ball, through his participation on the Planning Commission has helped the Commission in their planning decisions and demonstrated a high degree of commitment to enhancing the community of Riverbank through meaningful land use decisions.

Now, Therefore Be It Resolved, that Robert Ball is commended as an individual who stands out because of his commitment and involvement to the community of Riverbank and is thanked by the City of Riverbank Planning Commission for his service. Proclaimed this 17th day of November 2019.

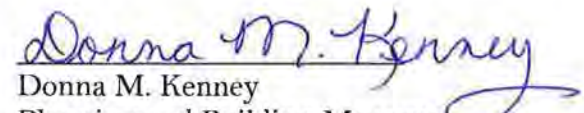

John Dinan, Chair


Mallory Fenrich, Commissioner


Melissa Hughes, Commissioner


Joan Stewart, Commissioner


Steve Link, Commissioner


Donna M. Kenney
Planning and Building Manager


Janet Smullen
Recording Secretary

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	December 10, 2019
Subject:	Administer the Oath of Office and Present the Certificate of Appointment to Planning Commissioner Steve Link
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that Mayor O'Brien administer the Oath of Office and present the Certificate of Appointment to Planning Commissioner Steve Link, who will serve the unexpired 4-year term ending December 2021, vacated by former Planning Commissioner Robert Ball.

SUMMARY

On October 30, 2019 a letter of resignation was received by Planning Commissioner Robert Ball vacating a seat with a four-year term that expires December 2021. In accordance with the Riverbank Municipal Code, Title III, Chapter 32, the Alternate Planning Commissioner serving at the time shall be appointed to fill any vacancy that occurs.

At the regular meeting held on November 12, 2019, City Council adopted Resolution No. 2019-096 approving the appointment of Alternate Planning Commissioner Steve Link to the vacant Planning Commissioner seat to serve out the unexpired term. As a new appointed Commissioner, he shall be administered the Oath of Office and presented with a Certificate of Appointment. Commissioner Link will then begin his official duties as a primary Planning Commissioner.

FINANCIAL IMPACT

Compensation to serve as a primary Planning Commissioner is \$100 for attendance of an "opened" scheduled meeting, which is a fixed amount set at the discretion of the City Council by resolution.

ATTACHMENT

There are no attachments to this report.

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 10, 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/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of 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/LRA Board; 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:	December 10, 2019
Subject:	Approval of the November 12, 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 November 12, 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. November 12, 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, NOVEMBER 12, 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

Deputy City Attorney Nubia Goldstein was present.

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

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.

Edward Jones spoke in regards to the limited time allotted to cross 1st and Atchison Streets, building small single home dwellings versus multiple story apartments, and Park Sierra Mobile Home Park not providing itemized utility bill; yet raises the rent.

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 22, 2019, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution [No. 2019-096]** Approving the Appointment of Alternate Planning Commissioner Steve Link to Complete the Unexpired Four-Year Term Ending December 31, 2021, of the Primary Seat Vacated by Planning Commissioner Robert Ball.

Item 3.D: A **Resolution [No. 2019-097]** to Rescind the Bid Award to Advanced Roofing for the City Hall South Roof Replacement Project and Award the Bid to the Next Lowest Bidder Pacifica Valley Roofing Inc. and to Authorize the Appropriation of an Additional \$12,300 from the General Fund.

Item 3.E: A **Resolution [No. 2019-098]** Authorizing an Addendum No. 1 to the Original Consultant Services Agreement with PROS Consulting, Inc. to be executed by the City Manager for the Citywide Park Master Plan and Appropriating an Additional \$6,000 from the Park System Development Fees for the Additional Scope of Services.

Item 3.F: A **Resolution [No. 2019-099]** Authorizing the Allocation of Funds to Update the Traffic Component of the City's System Development Fees and Authorizing the City Manager to Execute an Agreement for Professional Services with Willdan Financial Services to Conduct the Study.

Item 3.G: A **Resolution [No. 2019-100]** to Rescind Resolution No. 2019-085 and to authorize the Application for, and Receipt of, SB 2 Planning Grants Program Funds in the Amount of \$160,000 with No Required Match of Funds and to authorize the City Manager to execute all Related Documents as Needed.

Recommendation:

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

ACTION: *By motion moved and seconded (Fosi / Uribe / passed 5-0) to approve Consent Calendar Items 3.A through 3.G 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

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2019-007 Approving a Development Agreement by and between the City of Riverbank and the Machado Parties and the Harrigfeld Parties (Crossroads West Specific Plan)** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2019-007, and consider its adoption by roll call vote.

City Manager Sean Scully presented the staff report. He first clarified for the record that on October 22, 2019, for the 1st Reading of the Ordinance and Development Agreement, written public comments were received after the 5:00 p.m. deadline from Evelyn Halbert; nevertheless, copies were made and distributed to Council and the public and therefore are part of the record. Secondly, in communication with the City Attorney there is a statement that needs to be added to the Development Agreement section 5.09(B)(3) at the end of the paragraph for clarification, which will state, "Prior to CFD (Community Facilities District) formation, amendments to SDF (System Development Fees) for traffic, sewer, and park fees, may be completed in accordance with this agreement two (2) years from the date of execution of this document."

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve a Development Agreement by and between the City of Riverbank and the Machado Parties and the Harrigfeld Parties (Crossroads West Specific Plan) by adoption of Ordinance [No. 2019-007] as presented.*
 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

5. PUBLIC HEARINGS

The public notice for Item 5.1 on published in the Riverbank News on 10/09/2019, and the Continuance Notice was posted on 10/24/2019, and a notice was mailed to the Property Owner on November 1, 2019. Item 5.2 was published in the Riverbank News on 10/30/2019.

Item 5.1: **Public hearing and Adoption of a Resolution to Record a Utility Lien on Property Owned by Riverbank Land, LLC, Located at 6625 2nd Street, Riverbank, CA 95367 for Delinquent Wastewater Charges and Penalties for the Period of February 5, 2016 to January 24, 2018 in the amount of Four Hundred Eighty-One Thousand Nine Hundred Sixty-**

Four and 99/100 Dollars (\$481,964.99) – Conduct a public hearing and adopt a resolution to record a utility lien on property owned by Riverbank Land, LLC, located at 6625 2nd Street, Riverbank, CA 95367 for delinquent wastewater charges and penalties for the period of February 5, 2016 to January 24, 2018 in the amount of four hundred four hundred eighty-one thousand nine hundred sixty-four and 99/100 dollars (\$481,964.99).

Deputy City Attorney Nubia Goldstein presented the subject matter of the staff report. In response to Vice Mayor Barber-Martinez's question, City Manager Sean Scully explained that since January 25, 2018, to present, many cease and desist orders occurred and the tenant of the facility finally began to truck and dispose of their discharge offsite, and many discussions took place in an attempt to settle the matter to no avail.

Mayor O'Brien opened the public hearing at 6:15 p.m.

- Mr. Lewis Friedman of Gienelle/Nielson Law Firm representing property Owners Rizzo-Lopez requested that City Council table the matter due to a new legal team taking over the case for the owners, and to be able to further discuss several issues of the matter with the City's Counsel and City Manager.*
- Mayor O'Brien made inquiries of the matter, and Mr. Friedman responded.*

Mayor O'Brien closed the public hearing at 6:20 p.m.

- Deputy Attorney Goldstein stated that the City's Counsel has maintained communication with the owners Attorneys. City Manager Sean Scully explained the extensive communication and effort the City has made from the beginning of the issues in an attempt to resolve the matter. Deputy Attorney Goldstein recommended that City Council proceed forward [with the lien].*

ACTION: *By motion moved and seconded (O'Brien / Campbell / passed 5-0) to adopt Resolution No. 2019-101 to direct the Recordation of a Utility Lien on Property Owned by Riverbank Land, LLC, Located at 6625 2nd Street, Riverbank, CA 95367 for Delinquent Wastewater Charges and Penalties for the Period of February 5, 2016 to January 24, 2018 in the amount of Four Hundred Eighty-One Thousand Nine Hundred Sixty-Four and 99/100 Dollars (\$481,964.99 as presented. 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 5.2: **The First Reading by Title Only and Introduction of a Proposed Ordinance [No. 2019-008] Amending Title XIII: Land Usage, Chapter 134: Prohibition Against Underage Drinking And Social Host Liability by Repealing this Chapter in its Entirety and Substituting it with a New Chapter 134: Prohibition Against Underage Drinking And Cannabis Use And Social Host Liability, to the Riverbank Municipal 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 December 10, 2019, for consideration of its adoption.

Planning and Building Manager Donna Kenney presented the staff report.

City Council and Staff discussed the item.

Mayor O'Brien recommended that the fine amounts be increased if and when the violations become excessive in the future.

Mayor O'Brien opened the public hearing at 6:32 p.m.

- *Mr. Edward Jones, Parks Sierra Mobile Home Park, questioned the ability to discern a party host's knowledge of a violation conducted by a party crasher.*
- *Gloria (last name not stated), Modesto, inquired about consumption prior to arriving to the party.*

Mayor O'Brien closed the public hearing at 6:34 p.m.

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 5-0) to approve the first reading and introduction of the proposed Ordinance [No. 2019-008] to initiate a second reading by title and consider its adoption on November 12, 2019, as presented. 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

6. NEW BUSINESS

Item 6.1: **Status Update on the Riverbank Designated Local Authority** – It is recommended that the City Council receive an update on the Riverbank Designated Local Authority (Successor Agency to the former Riverbank Redevelopment Authority) and provide direction to staff on potential options for the future of the Successor Agency.

Assistant City Manager/Director of Finance Marisela Garcia and City Manager Sean Scully presented the staff report.

City Council and Staff discussed the item.

Public comment was made by Mr. Gary Rowe, Riverbank, who inquired about the status of the theatre property.

ACTION: *By motion moved and seconded (Barber-Martinez / Fosi / passed 3-2) to approve Option-3: Continue to provide part-time staff support to the DLA.*

Motion carried by City Council roll call vote.

AYES: Fosi, Uribe, and Barber-Martinez

NAYS: Campbell and O'Brien / ABSENT: None / ABSTAINED: None

Item 6.2: **2019 Riverbank Cheese & Wine Festival Review and Discussion of Future Event Planning** – It is recommended that the City Council review

the report of the 2019 Riverbank Cheese & Wine Festival and discuss the future plan for this event.

Parks and Recreation Director Sue Fitzpatrick presented the staff report. City Council and Staff discussed the item.

City Council directed to hire a part-time Recreation Coordinator, continue with the basic security normally provided at the event and any additional security needs to be paid from the Safety fund, and begin an RFP [process] or find someone that can obtain an ABC license who can coordinate with wine and beer vendors.

Item 6.3: **A Resolution [No. 2019-102] to Upgrade the Existing Wi-Fi System in City Facilities and Authorize the Allocation of \$13,500 in General Fund Reserves for this Project** – It is recommended that the City Council authorize the City Manager (by resolution) to work with our IT consultant/provider (Mid-Valley IT) to:

1. Upgrade the Wi-Fi cabling, equipment and configurations for the various City buildings
2. Add additional access points to provide coverage to City facilities (excluding the Waste Water Treatment Plant, LIRA and Parks)
3. Amend the Annual Budget to allocate General Fund Reserves towards this project.

City Manager Sean Scully presented the staff report.

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe / passed 5-0) to adopt Resolution No. 2019-102 to approve the upgrade of the Existing Wi-Fi System in City Facilities and Authorize the Allocation of \$13,500 in General Fund Reserves for this Project as presented.*

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 6.4: **Update on Homeless Grant Opportunities – Discussion and Direction** – It is recommended that the City Council hear an update on grant opportunities which could provide funding for housing and services to Riverbank's homeless population and provide feedback on concepts to staff.

City Manager Sean Scully presented provided the update. City Council and Staff discussed the item; the update was received.

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 the next Stanislaus Homeless Alliance meeting.*
- *Council/Authority Member Campbell announced the Christmas Cookie Exchange event hosted by the Historical Society.*
- *Vice Mayor/Chair Barber-Martinez announced the Citizen and Youth of the year nomination forms would soon be available on the City's Website; reported on her attendance of the "Lights on After School Program" event; and announced several Christmas Holiday events.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien reported on his attendance of the U.S. Mayors Water Council Conference, and reported on his attendance of a conference in Sacramento to discuss the homeless issues.

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 LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

Stanislaus County Superior Court Case No. CV-19-004402

Item 8.2: 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.

Under Negotiation: Price, terms of payment, or both

Item 8.3: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency representative: Sean Scully, City Manager

Unrepresented Employees: Parks and Recreation Director

Item 8.4: PUBLIC EMPLOYMENT

Pursuant to Gov. Code section 54957

Title: Chief of Police

Mayor/Chair O'Brien announced the Closed Session Item(s) and opened the Item(s) for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 7:33 p.m.

At 7:44 p.m., City Council moved to City Hall South conference room for Item 8.4 and returned to the City Council Chambers at 8:44 p.m.

9. REPORT FROM CLOSED SESSION

Mayor/Chair O'Brien reconvened the meetings at 8:47 p.m.

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

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 NEGOTIATIONS** – Aemetis, Inc.

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

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH LABOR NEGOTIATORS** – Unrepresented Employees: Parks and Recreation Director

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

Item 9.4: Report from Closed Session on Item 8.4: **PUBLIC EMPLOYMENT** – Police Chief

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

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:48 p.m.

ATTEST: (*Adopted 12/10/2019*)

APPROVED:

Marisela H. Garcia
Asst. City Manager / Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	December 10, 2019
Subject:	A Resolution to Rescind Resolution No. 2005-043 and Authorize the City Manager to Approve Budget Amendments up to \$25,000.00
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council rescind Resolution No. 2005-043 and adopt a new Resolution which will authorize the City Manager to approve budget amendments up to \$25,000.

SUMMARY

The City Manager currently has authority to make budget amendments (including new appropriations and transfers) of up to \$5,000 as authorized by Resolution No. 2005-043. An increase to this amount will allow the City to be more responsive when emergency equipment purchases, repairs, or safety-related purchases arise outside of our normal budget process by allowing the City Manager to approve budget amendments of no more than \$25,000.

BACKGROUND

In 2005, the City Council adopted Resolution No. 2005-043 (Attachment 1) which authorizes the City Manager to approve budget amendments of up to \$5,000. This authority has allowed the City Manager and staff to proceed with certain emergency and safety-related purchases to assist in providing services to our residents and be responsive to their safety needs.

Over the past several years, we have found that cost increases have decreased the City Manager's ability to be as responsive as equipment and projects are no longer affordable as they were approximately 14 years ago. As with the prior adopted Resolution, the City Manager will not have the ability to make amendments that may cause the City's Reserve level to decline by more than 2%. In relation to the City's anticipated General Fund Reserve level, \$25,000 is only 0.009% of that amount.

STRATEGIC PLAN

This report is in alignment with the City's Strategic Plan Goals to: 1) Ensure Financial Stability, and 2) Maintain a High Quality of Life.

FINANCIAL IMPACT

Occasional adjustments from one account to another or the Fund Reserve.

ATTACHMENT

1. Resolution 2005-043
2. Proposed Resolution

City of Riverbank

Resolution No. 2005-043

**A Resolution of the City Council of the City of Riverbank
Authorizing the City Manager to Approve
Budget Amendments up to \$5,000.**

Whereas, The City Manager has the authority to approve budget adjustments within a fund and/or department; and

Whereas, Occasions arise when an unforeseen expense or unbudgeted item requires staff to seek Council authorization before proceeding ahead with the purchase or repair; and

Whereas, This process could be simplified if the City Manager was authorized to approve intermediary budget adjustments (both inter-fund and inter-departmental) up to a maximum of \$5,000; and

Whereas, This approval authority would have a stipulation clause that any such adjustment would not cause the budget reserve to decline by more than 2%.

Now, Therefore, Be It Resolved that the City Council of the City of Riverbank hereby authorizes the City Manager to approve non-budgeted expenses that meet the stipulations as set forth in this resolution.

Passed and adopted by the City Council of the City of Riverbank at a regular meeting held on the 11th day of April 2005, by the following vote:

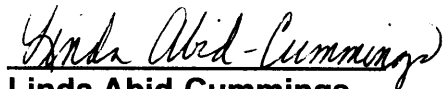
AYES: Councilmembers McGinnis, Benitez, Anaya, Madueño, and Mayor Crifasi.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Attest:


Linda Abid-Cummings
City Clerk

Approved:


Christopher Crifasi
Mayor

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
RESCINDING RESOLUTION NO. 2005-043 AND AUTHORIZE THE CITY MANAGER TO
APPROVE BUDGET AMENDMENTS UP TO \$25,000**

WHEREAS, occasions arise when an unforeseen expense or unbudgeted item requires staff to seek Council authorization prior to proceeding with the purchase or repair; and

WHEREAS, this process was simplified by the adoption of Resolution 2005-043 which authorized the City Manager to approve intermediary budget adjustments (including interfund and inter-departmental) up to a maximum of \$5,000; and

WHEREAS, cost increases have decreased the City Manager's ability to be as responsive when addressing emergency situations or repairs; and

WHEREAS, the City Council desires that the City Manager's Budget Amendment Authorization be increased to \$25,000; and

WHEREAS, the Authorization Authority would have a stipulation clause that any such adjustments or amendments will not cause the budget reserve levels to decline by more than 2%.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby rescinds Resolution 2005-043 and authorizes the City Manager to approve budget amendments up to \$25,000 with the stipulations set forth in this resolution.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of December, 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

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	December 10, 2019
Subject:	Second Reading by Title Only and Adoption of Proposed Ordinance No. 2019-008 Amending Title XIII: Land Usage, Chapter 134: Prohibition Against Underage Drinking And Social Host Liability by Repealing this Chapter in its Entirety and Substituting it with a New Chapter 134: Prohibition Against Underage Drinking And Cannabis Use And Social Host Liability, to the Riverbank Municipal Code of Ordinances
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2019-008 and consider its adoption by roll call vote.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on November 12, 2019, to receive public opinions or evidence for or against the proposed Ordinance. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2019-008) which moved said Ordinance to the December 10, 2019, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

Minors often obtain, possess, and consume alcoholic beverages and/or cannabis at gatherings held on private property. Persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent this consumption. Riverbank has an existing Social Host Ordinance for alcohol consumption by minors which holds the host responsible for the underage drinking. This ordinance amendment (Attachment 1) specifically adds adult use (recreational) cannabis consumption by minors to the ordinance as another tool for law enforcement.

BACKGROUND AND ANALYSIS

BACKGROUND AND ANALYSIS

The proposed amendment (Attachment 2) recognizes that, although different in many ways, the consumption of cannabis by minors presents some adverse effects on teens like the consumption of alcoholic beverages does. Alcohol consumption by minors has been documented to increase alcohol abuse, physical altercations, violent crimes including rape and other sexual offenses, accidental injuries, neighborhood vandalism, and excessive noise disturbances. On the other hand, recreational cannabis use by minors may cause harm to the minors themselves. It increases their amount of cannabis use, it detrimentally affects the mental and physical health of minors, and it increases the rates of driving under the influence.

Social hosts must take reasonable steps to keep underage parties away from both alcohol and cannabis products. This ordinance is about adults being adults and looking out for minors. The penalties described in the ordinance (administrative penalties, misdemeanors) will apply to the host, not the minors.

GENERAL PLAN

An ordinance amendment regulating cannabis consumption by minors (who are not qualified patients) is consistent with the General Plan because one of the City's Guiding Principles in the General Plan is "Our City should be safe and healthy for all our residents".

ENVIRONMENTAL DETERMINATION

The amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

FISCAL IMPACT

Unknown enforcement costs.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three (3) years. The approval of an amendment to enforce the illegal consumption of cannabis by minors is not a stated strategic goal but is consistent with the General Plan goal to "To be recognized as a premier community where individuals, families and businesses thrive in a safe and beautiful environment."

PUBLIC NOTICE

The City Council hearing notice was published in the Riverbank News and posted at City Hall North, South, Post Office, Community Center, and website on October 30, 2019.

ATTACHMENTS

1. Proposed Ordinance 2019-008
2. Ordinance 2019-008 redlined

CITY OF RIVERBANK

ORDINANCE NO. 2019-008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XIII: LAND USAGE, CHAPTER 134:
PROHIBITION AGAINST UNDERAGE DRINKING AND SOCIAL HOST
LIABILITY BY REPEALING THIS SECTION IN ITS ENTIRETY AND
SUBSTITUTING IT WITH NEW CHAPTER 134: PROHIBITION AGAINST
UNDERAGE DRINKING AND CANNABIS USE AND SOCIAL HOST LIABILITY,
TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES**

WHEREAS, Minors often obtain, possess, and consume alcoholic beverages and/or cannabis at gatherings held on private property while the persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent this consumption; and

WHEREAS, Riverbank has an existing Social Host Ordinance for alcohol consumption by minors which holds the host responsible for the underage drinking and the City desires to add adult use (recreational) cannabis consumption by minors to the ordinance as another tool for law enforcement; and

WHEREAS, the proposed ordinance amendment complies with the General Plan in that one of the City's Guiding Principles in the General Plan is "Our City should be safe and healthy for all our residents"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Title XIII: Land Usage, Chapter 134: Prohibition Against Underage Drinking And Social Host Liability by Repealing this Chapter in its Entirety and Substituting it with a new Chapter 134: Prohibition Against Underage Drinking And Cannabis Use And Social Host Liability, which shall read as follows:

TITLE XIII: GENERAL OFFENSES

**CHAPTER 134: PROHIBITION AGAINST UNDERAGE DRINKING AND
CANNABIS USE AND SOCIAL HOST LIABILITY**

Section

- 134.01 Legislative findings
- 134.02 Intent and purpose
- 134.03 Definitions
- 134.04 Consumption of alcohol and cannabis by minor prohibited in public place, place open to public, or place not open to public
- 134.05 Hosting, permitting, allowing a party, gathering, or event where minors consume alcoholic beverages and cannabis prohibited
- 134.06 Prima facie evidence
- 134.07 Enforcement authority
- 134.08 Public nuisance and recovery of response costs
- 134.09 Billing and collection
- 134.10 Special fund
- 134.11 Appeals

- 134.20 Penalty

- 134.30 Severability

§ 134.01 LEGISLATIVE FINDINGS.

(A) Minors often obtain, possess, or consume alcoholic beverages and/or cannabis at gatherings held at private residences or other private property, places or premises, including rented commercial premises which are under the control of a person who knows or should know of the consumption of alcoholic beverages and/or cannabis by minors, yet persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages and/or cannabis by minors at these gatherings.

(B) Consumption of Alcoholic Beverages by Minors who are under the legal age to consume Alcohol in the state is harmful to the Minors themselves and poses an immediate threat to the public health, safety, and welfare in that it increases Alcohol abuse by Minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.

(C) Consumption of Cannabis by Minors who are under the legal age to consume Cannabis in the state is harmful to the Minors themselves and poses an immediate threat to the public health, safety, and welfare in that it increases Cannabis use by Minors, it detrimentally affects the mental and physical health of Minors, and it increases rates of driving under the influence, all of which may require intervention by local law enforcement.

(D) The prohibitions found in this chapter are reasonable and expected to deter the consumption of alcoholic beverages and/or cannabis by minors by holding responsible persons who know of, or should know of, the illegal conduct yet fail to stop or prevent it. In addition, the revenue received by the city after cost reimbursement, will be directed toward alcohol and cannabis abuse and prevention education programs in the community.
(Ord. 2007-006, passed 9-10-07)

§ 134.02 INTENT AND PURPOSE.

The purposes of this chapter are:

- (A) To protect public health, safety, and general welfare;
- (B) To enforce laws prohibiting the service to and consumption of alcoholic beverages and/or cannabis to minors; and
- (C) To reduce the costs of providing law enforcement, fire, and other emergency response services to premises where alcoholic beverages and/or cannabis are served to or consumed by a minor, by holding the responsible person, social host, and/or landowners responsible for the costs associated with providing law enforcement and other emergency response services.
(Ord. 2007-006, passed 9-10-07)

§ 134.03 DEFINITIONS.

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

ADULT. Any person over the age of 18 years.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. Includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in Cal. Bus. & Prof. Code § 23004, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. *ALCOHOLIC BEVERAGE* includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

CANNABIS. Cannabis has the same meaning as that term is defined by Cal. Business and Professions Code § 26001. Includes any liquid or solid material intended to be smoked or ingested by a person which contains THC,

also known as Tetrahydrocannabinol. In the enforcement of this Chapter, cannabis is adult use cannabis and not medicinal cannabis used by a qualified patient.

FAMILY GATHERING. A gathering where each minor present is supervised by his or her parent or legal guardian.

GATHERING. A party, gathering, or event where a group of two or more persons have assembled or are assembling for a social occasion or social activity.

JUVENILE. Any person under the age of 18 years.

LEGAL GUARDIAN.

(1) A person who, by court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by the court.

MINOR. Any person under the age of 21 years.

PARENT. A person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

PREMISES. Any residence or other private property, place, or premises, including any commercial or business premises.

QUALIFIED PATIENT. Qualified patient has the same meaning as that term is defined by Ca. Health and Safety Code §§ 11362.7.

RESPONSE COSTS. The costs associated with response by law enforcement, fire, or other emergency response providers to a gathering, including, but not limited to:

(1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative cost associated with or attributed to such response(s);

(2) The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;

(3) The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment in, responding to, remaining at, or leaving the scene of a gathering; and

(4) Any other allowable costs related to enforcement of §§ 134.04 and 134.05.

RESPONSIBLE PERSON. A person or persons with a right of possession in the premises including, but not limited to:

(1) An owner of the residence or other private property, place or premises, including any commercial or business premises;

(2) A tenant or lessee of the residence or other private property, place or premises, including any commercial or business premises;

(3) The landlord of another person responsible for the gathering;

(4) The person(s) in charge of the residence or other private property, place or premises, including commercial or business premises;

(5) The person(s) who organizes, supervises, officiates, conducts, or controls the gathering or any other person(s) accepting responsibility for such a gathering; and

(6) If a responsible person or social host for the party or gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this chapter. To incur liability for response costs imposed by this chapter, the responsible person or social host for the gathering must be aware of the gathering, but need not be present at such gathering, which results in the imposition of response costs pursuant to this chapter.

SOCIAL HOST. A person who knowingly hosts, permits, or allows a gathering to take place where one or more minors consume one or more alcoholic beverages and/or cannabis on property owned or controlled by the person and the person knows or reasonably should have known that the minor is consuming or has consumed an alcoholic beverage and/or cannabis.
(Ord. 2007-006, passed 9-10-07)

§ 134.04 CONSUMPTION OF ALCOHOL AND/OR CANNABIS BY MINOR PROHIBITED IN PUBLIC PLACE, PLACE OPEN TO PUBLIC, OR PLACE NOT OPEN TO PUBLIC.

Except as permitted by state law, it is unlawful for any minor to:

(A) Consume at any public place or any place open to the public any alcoholic beverage and/or cannabis; or

(B) Consume at any place not open to the public any alcoholic beverage and/or cannabis, unless in connection with the consumption of the alcoholic beverages that minor is being supervised by his or her own parent or legal guardian.

(Ord. 2007-006, passed 9-10-07) Penalty, see § 134.99

§ 134.05 HOSTING, PERMITTING, ALLOWING A PARTY, GATHERING, OR EVENT WHERE MINORS CONSUME ALCOHOLIC BEVERAGES AND/OR CANNABIS PROHIBITED.

(A) It is unlawful and a misdemeanor for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage and/or cannabis, whenever the person having control of the premises either knows a minor is or has consumed an alcoholic beverage and/or cannabis or reasonably should have known that a minor is or has consumed an alcoholic beverage and/or cannabis had the person taken all reasonable steps to prevent the consumption of alcoholic beverages and/or cannabis by a minor as set forth in division (B) of this section.

(B) It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages and/or cannabis by any minor at the gathering. Reasonable steps include, but are not limited to:

(1) Controlling access to alcoholic beverages and/or cannabis at the gathering;

(2) Controlling the quantity of alcoholic beverages and/or cannabis at the gathering;

(3) Verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure minors do not consume alcoholic beverages and/or cannabis while at the gathering; and

(4) Supervising the activities of minors at the gathering.

(C) This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, § 4, of the California Constitution or if the event is a family gathering or if the minor is a qualified cannabis patient.

(D) This section shall not apply to any California Department of Alcoholic Beverages Control licensee at any premises regulated by the Department of Alcoholic Beverages Control.

(Ord. 2007-006, passed 9-10-07) Penalty, see § 134.99

§ 134.06 PRIMA FACIE EVIDENCE.

Whenever a responsible person and/or social host having control of the premises is present at the premises at the time that a minor obtains, possess, or consumes any alcoholic beverage and/or cannabis, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor obtained, possessed, or consumed an alcoholic beverage and/or cannabis at the gathering.

(Ord. 2007-006, passed 9-10-07)

§ 134.07 ENFORCEMENT AUTHORITY.

The Police Department is authorized to administer and enforce the provisions of this chapter. The City Attorney and the Police Chief and/or their designees may exercise any enforcement powers provided by law.

(Ord. 2007-006, passed 9-10-07)

§ 134.08 PUBLIC NUISANCE AND RECOVERY OF RESPONSE COSTS.

(A) In addition to any other remedies available by law, a violation of § 134.04 and/or § 134.05 shall constitute a public nuisance, as an immediate threat to public health, safety, and welfare.

(B) As a public nuisance, the gathering of underage drinkers and/or cannabis consumers may be summarily abated by police by all reasonable means, singularly or in combination, including, but not limited to:

- (1) An order requiring the gathering to be disbanded;
- (2) Issuance of an administrative citation under this chapter; and/or
- (3) Issuance of an administrative citation, misdemeanor citation and/or arrest of any law violators under any other applicable ordinances and/or statutes.

(C) When law enforcement, fire, or other emergency response provider responds to a gathering at which a minor obtains, possesses, or uses alcoholic beverages and/or cannabis within the city, all responsible persons and/or social host(s) shall be jointly and severally liable for the city's response costs to abate the nuisance.

(Ord. 2007-006, passed 9-10-07)

§ 134.09 BILLING AND COLLECTION.

(A) The amount of response costs shall be deemed a debt owed to the city by the responsible person and/or social host. If a juvenile, by the juvenile's parents or guardians. Any person owing such costs shall be liable in a civil action brought in the name of the city for recovery for such costs, including reasonable attorney fees. Notice of the costs for which the responsible person is liable shall be mailed via first-class mail. The notice shall contain the following information:

(1) The name of the person(s) being held liable for the payment of such costs;

(2) The address of the private property or private premises where the party occurred;

(3) The date and time of the response;

(4) The law enforcement, fire, or emergency service provider(s) who responded; and

(5) An itemized list of the response costs for which the person(s) is being held liable. The responsible person must remit payment of the noticed response costs to the Police Department within 30 calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal pursuant to § 134.11.

(B) The failure of any person to pay the penalties assessed by an administrative citation and/or response costs within the time specified on the administrative citation or response cost bill may result in the Police Chief or his or her authorized designee referring the matter to the Finance Department or other designated agent for collection. The Police Chief or his or her designated agent may pursue any other legal remedy to collect the penalties and/or response costs including the recording of a code enforcement lien pursuant to the procedures set forth in Chapter 98 of the city code.
(Ord. 2007-006, passed 9-10-07)

§ 134.10 SPECIAL FUND.

(A) There is hereby established a special fund for the purposes of receiving and expending civil penalties and response costs collected. This special fund shall be known and designated as the Prevention of Underage Drinking and Cannabis Use Fund.

(B) Expenditure of monies. The appropriation of all monies in the Prevention of Underage Drinking and Cannabis Use Fund shall be made exclusively for the purpose of prevention of underage drinking and cannabis use

programs within the city. The underage drinking and cannabis use programs shall include the enforcement of, education for, and prevention of underage drinking and /or cannabis use. Expenditures shall include, but not be limited to, purchase of equipment, contractual services, materials and supplies, or any other expenditures related to the prevention of underage drinking and cannabis use with the city. The administration of the fund shall conform to this code and all accounting principles practiced by the city.

(C) Accumulation of monies in the fund. The balance remaining in the Prevention of Underage Drinking and Cannabis Use Fund at the close of any fiscal year shall be deemed to have been provided for a specialized purpose and shall be carried forward and accumulated in said fund for the purposes set forth herein.

(Ord. 2007-006, passed 9-10-07)

§ 134.11 APPEALS.

(A) Any person upon whom is imposed a fine/penalty pursuant to § 134.99 and/or response costs pursuant to § 134.08 shall have the right to appeal the imposition of such fine/penalty or response costs pursuant to the appeal procedures set forth Chapter 98 of the city code.

(B) Failure to appeal shall constitute a failure to exhaust administrative remedies and result in the citation and/or response cost becoming a final administrative enforcement order.

(Ord. 2007-006, passed 9-10-07)

§ 134.20 PENALTY.

(A) Each incident in violation of §§ 134.04 and 134.05 shall constitute a separate offense.

(B) In addition to any other remedies available by law, including criminal prosecution, the city may seek administrative penalties, response costs, and any other cost associated with enforcement of §§ 134.04 and 134.05, through all remedies or procedures provided by statute, ordinance, or law. Sections 134.04 and 134.05 shall not limit the authority of peace officers to make arrests for any criminal offense arising out of conduct regulated by §§ 134.04 and 134.05. If a violation of § 134.04 and/or § 134.05 is prosecuted administratively, the mandatory minimum penalty shall be \$500 for the first offense, \$1,000 for a second offense, and \$1,500 for a third offense in a 12-month period.

(Ord. 2007-006, passed 9-10-07)

§134.30 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 2: This Ordinance shall become effective thirty (30) days from and after its final passage (___), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

SECTION 3. The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on November 12, 2019. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 10th day of December, 2019; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney

CHAPTER 134: PROHIBITION AGAINST UNDERAGE DRINKING AND CANNABIS USE AND SOCIAL HOST LIABILITY

Section

134.01 Legislative findings

134.02 Intent and purpose

134.03 Definitions

134.04 Consumption of alcohol and cannabis by minor prohibited in public place, place open to public, or place not open to public

134.05 Hosting, permitting, allowing a party, gathering, or event where minors consume alcoholic beverages and cannabis prohibited

134.06 Prima facie evidence

134.07 Enforcement authority

134.08 Public nuisance and recovery of response costs

134.09 Billing and collection

134.10 Special fund

134.11 Appeals

134.99—20 Penalty

134.30 Severability

§ 134.01 LEGISLATIVE FINDINGS.

(A) Minors often obtain, possess, or consume alcoholic beverages and/or cannabis at gatherings held at private residences or other private property, places or premises, including rented commercial premises which are under the control of a person who knows or should know of the consumption of alcoholic beverages and/or cannabis by minors, yet persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages and/or cannabis by minors at these gatherings.

(B) Consumption of Alcoholic Beverages by Minors who are under the legal age to consume Alcohol in the state is harmful to the Minors themselves and poses an immediate threat to the public health, safety, and welfare in that it increases Alcohol abuse by Minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.

(C) Consumption of Cannabis by Minors who are under the legal age to consume Cannabis in the state is harmful to the Minors themselves and poses an immediate threat to the public health, safety, and welfare in that it increases Cannabis use by Minors, it detrimentally affects the mental and physical health of Minors, and it increases rates of driving under the influence, all of which may require intervention by local law enforcement.

~~—(B)— Consumption of alcoholic beverages by minors who are under the legal age to consume alcohol in the state is harmful to the minors themselves and poses an immediate threat to the public health, safety, and welfare in that it increases alcohol abuse by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.~~

~~—(C)— Law enforcement responses to gatherings involving consumption of alcoholic beverages by minors often requires extensive resources to manage the incident. Further, when law enforcement personnel respond to gatherings involving the consumption of alcoholic beverages by minors it takes away valuable resources from other service calls in the community, thereby placing the community at increased risk. Law enforcement, fire, and emergency response services are not~~

~~currently reimbursed for the response cost associated when called to a premises or gathering where minors obtain, possess, or consume alcoholic beverages.~~

(D) The prohibitions found in this chapter are reasonable and expected to deter the consumption of alcoholic beverages and/or cannabis by minors by holding responsible persons who know of, or should know of, the illegal conduct yet fail to stop or prevent it. In addition, the revenue received by the city after cost reimbursement, will be directed toward alcohol and cannabis abuse and prevention education programs in the community.

(Ord. 2007-006, passed 9-10-07)

§ 134.02 INTENT AND PURPOSE.

The purposes of this chapter are:

(A) To protect public health, safety, and general welfare;

(B) To enforce laws prohibiting the service to and consumption of alcoholic beverages and/or cannabis to minors; and

(C) To reduce the costs of providing law enforcement, fire, and other emergency response services to premises where alcoholic beverages and/or cannabis are served to or consumed by a minor, by holding the responsible person, social host, and/or landowners responsible for the costs associated with providing law enforcement and other emergency response services.

(Ord. 2007-006, passed 9-10-07)

§ 134.03 DEFINITIONS.

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

ADULT. Any person over the age of 18 years.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. Includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in Cal. Bus. & Prof. Code § 23004, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. **ALCOHOLIC BEVERAGE** includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

CANNABIS. Cannabis has the same meaning as that term is defined by Cal. Business and Professions Code § 26001. Includes any liquid or solid material intended to be ingested by a person which contains THC, also known as Tetrahydrocannabinol. In the enforcement of this Chapter, cannabis is adult use cannabis and not medicinal cannabis used by a qualified patient.

FAMILY GATHERING. A gathering where each minor present is supervised by his or her parent or legal guardian.

GATHERING. A party, gathering, or event where a group of two or more persons have assembled or are assembling for a social occasion or social activity.

JUVENILE. Any person under the age of 18 years.

LEGAL GUARDIAN.

(1) A person who, by court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by the court.

MINOR. Any person under the age of 21 years.

PARENT. A person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

PREMISES. Any residence or other private property, place, or premises, including any commercial or business premises.

QUALIFIED PATIENT. Qualified patient has the same meaning as that term is defined by Ca. Health and Safety Code §§ 11362.7.

RESPONSE COSTS. The costs associated with response by law enforcement, fire, or other emergency response providers to a gathering, including, but not limited to:

(1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative cost associated with or attributed to such response(s);

(2) The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;

(3) The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment in, responding to, remaining at, or leaving the scene of a gathering; and

(4) Any other allowable costs related to enforcement of §§ 134.04 and 134.05.

RESPONSIBLE PERSON. A person or persons with a right of possession in the premises including, but not limited to:

(1) An owner of the residence or other private property, place or premises, including any commercial or business premises;

(2) A tenant or lessee of the residence or other private property, place or premises, including any commercial or business premises;

(3) The landlord of another person responsible for the gathering;

(4) The person(s) in charge of the residence or other private property, place or premises, including commercial or business premises;

(5) The person(s) who organizes, supervises, officiates, conducts, or controls the gathering or any other person(s) accepting responsibility for such a gathering; and

(6) If a responsible person or social host for the party or gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this chapter. To incur liability for response costs imposed by this chapter, the responsible person or social host for the gathering must be aware of the gathering, but need not be present at such gathering, which results in the imposition of response costs pursuant to this chapter.

SOCIAL HOST. A person who knowingly hosts, permits, or allows a gathering to take place where one or more minors consume one or more alcoholic beverages and/or cannabis on property owned or controlled by the person and the person knows or reasonably should have known that the minor is consuming or has consumed an alcoholic beverage and/or cannabis.

(Ord. 2007-006, passed 9-10-07)

§ 134.04 CONSUMPTION OF ALCOHOL AND/OR CANNABIS BY MINOR PROHIBITED IN PUBLIC PLACE, PLACE OPEN TO PUBLIC, OR PLACE NOT OPEN TO PUBLIC.

Except as permitted by state law, it is unlawful for any minor to:

(A) Consume at any public place or any place open to the public any alcoholic beverage and/or cannabis; or

(B) Consume at any place not open to the public any alcoholic beverage and/or cannabis, unless in connection with the consumption of the alcoholic beverages that minor is being supervised by his or her own parent or legal guardian.

(Ord. 2007-006, passed 9-10-07) Penalty, see § 134.99

§ 134.05 HOSTING, PERMITTING, ALLOWING A PARTY, GATHERING, OR EVENT WHERE MINORS CONSUME ALCOHOLIC BEVERAGES AND/OR CANNABIS PROHIBITED.

(A) It is unlawful and a misdemeanor for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage and/or cannabis, whenever the person having control of the premises either knows a minor is or has consumed an alcoholic beverage and/or cannabis or reasonably should have known that a minor is or has consumed an alcoholic beverage and/or cannabis had the person taken all reasonable steps to prevent the consumption of alcoholic beverages and/or cannabis by a minor as set forth in division (B) of this section.

(B) It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages and/or cannabis by any minor at the gathering. Reasonable steps include, but are not limited to:

(1) Controlling access to alcoholic beverages and/or cannabis at the gathering;

(2) Controlling the quantity of alcoholic beverages and/or cannabis at the gathering;

(3) Verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure minors do not consume alcoholic beverages _

and/or cannabis while at the gathering; and

(4) Supervising the activities of minors at the gathering.

(C) This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, § 4, of the California Constitution or if the event is a family gathering or the minor is a qualified cannabis patient.

(D) This section shall not apply to any California Department of Alcoholic Beverages Control licensee at any premises regulated by the Department of Alcoholic Beverages Control.

(Ord. 2007-006, passed 9-10-07) Penalty, see § 134.99

§ 134.06 PRIMA FACIE EVIDENCE.

Whenever a responsible person and/or social host having control of the premises is present at the premises at the time that a minor obtains, possess, or consumes any alcoholic beverage and/or cannabis, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor obtained, possessed, or consumed an alcoholic beverage and/or cannabis at the gathering.

(Ord. 2007-006, passed 9-10-07)

§ 134.07 ENFORCEMENT AUTHORITY.

The Police Department is authorized to administer and enforce the provisions of this chapter. The City Attorney and the Police Chief and/or their designees may exercise any enforcement powers provided by law.

(Ord. 2007-006, passed 9-10-07)

§ 134.08 PUBLIC NUISANCE AND RECOVERY OF RESPONSE COSTS.

(A) In addition to any other remedies available by law, a violation of § 134.04 and/or § 134.05 shall constitute a public nuisance, as an immediate threat to public health, safety, and welfare.

(B) As a public nuisance, the gathering of underage drinkers and/or cannabis consumers may be summarily abated by police by all reasonable means, singularly or in combination, including, but not limited to:

(1) An order requiring the gathering to be disbanded;

(2) Issuance of an administrative citation under this chapter; and/or

(3) Issuance of an administrative citation, misdemeanor citation and/or arrest of any law violators under any other applicable ordinances and/or statutes.

(C) When law enforcement, fire, or other emergency response provider responds to a gathering at which a minor obtains, possesses, or uses alcoholic beverages and/or cannabis within the city, all responsible persons and/or social host(s) shall be jointly and severally liable for the city's response costs to abate the nuisance.

(Ord. 2007-006, passed 9-10-07)

§ 134.09 BILLING AND COLLECTION.

(A) The amount of response costs shall be deemed a debt owed to the city by the responsible person and/or social host. If a juvenile, by the juvenile's parents or guardians. Any person owing such costs shall be liable in a civil action brought in the name of the city for recovery for such costs, including reasonable attorney fees. Notice of the costs for which the responsible person is liable shall be mailed via first-class mail. The notice shall contain the following information:

(1) The name of the person(s) being held liable for the payment of such costs;

(2) The address of the private property or private premises where the party occurred;

(3) The date and time of the response;

(4) The law enforcement, fire, or emergency service provider(s) who responded; and

(5) An itemized list of the response costs for which the person(s) is being held liable. The responsible person must remit payment of the noticed response costs to the Police Department within 30 calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal pursuant to § 134.11.

(B) The failure of any person to pay the penalties assessed by an administrative citation and/or response costs within the time specified on the administrative citation or response cost bill may result in the Police Chief or his or her authorized designee referring the matter to the Finance Department or other designated agent for collection. The Police Chief or his or her designated

agent may pursue any other legal remedy to collect the penalties and/or response costs including the recording of a code enforcement lien pursuant to the procedures set forth in Chapter 98 of the city code.

(Ord. 2007-006, passed 9-10-07)

§ 134.10 SPECIAL FUND.

(A) There is hereby established a special fund for the purposes of receiving and expending civil penalties and response costs collected. This special fund shall be known and designated as the Prevention of Underage Drinking and Cannabis Use Fund.

(B) Expenditure of monies. The appropriation of all monies in the Prevention of Underage Drinking and Cannabis Use Fund shall be made exclusively for the purpose of prevention of underage drinking and cannabis use programs within the city. The underage drinking and cannabis use programs shall include the enforcement of, education for, and prevention of underage drinking and /or cannabis use. Expenditures shall include, but not be limited to, purchase of equipment, contractual services, materials and supplies, or any other expenditures related to the prevention of underage drinking and cannabis use with the city. The administration of the fund shall conform to this code and all accounting principles practiced by the city.

(C) Accumulation of monies in the fund. The balance remaining in the Prevention of Underage Drinking and Cannabis Use Fund at the close of any fiscal year shall be deemed to have been provided for a specialized purpose and shall be carried forward and accumulated in said fund for the purposes set forth herein.

(Ord. 2007-006, passed 9-10-07)

§ 134.11 APPEALS.

(A) Any person upon whom is imposed a fine/penalty pursuant to § 134.99 and/or response costs pursuant to § 134.08 shall have the right to appeal the imposition of such fine/penalty or response costs pursuant to the appeal procedures set forth Chapter 98 of the city code.

(B) Failure to appeal shall constitute a failure to exhaust administrative remedies and result in the citation and/or response cost becoming a final administrative enforcement order.

(Ord. 2007-006, passed 9-10-07)

§ 134.99—20 PENALTY.

(A) Each incident in violation of §§ 134.04 and 134.05 shall constitute a separate offense.

(B) In addition to any other remedies available by law, including criminal prosecution, the city may seek administrative penalties, response costs, and any other cost associated with enforcement of §§ 134.04 and 134.05, through all remedies or procedures provided by statute, ordinance, or law. Sections 134.04 and 134.05 shall not limit the authority of peace officers to make arrests for any criminal offense arising out of conduct regulated by §§ 134.04 and 134.05. If a violation of § 134.04 and/or § 134.05 is prosecuted administratively, the mandatory minimum penalty shall be \$500 for the first offense, \$1,000 for a second offense, and \$1,500 for a third offense in a 12-month period.

(Ord. 2007-006, passed 9-10-07)

§ 134.30 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	December 10, 2019
Subject:	A Resolution Accepting the Fiscal Year 2018-19 Annual AB 1600 Report of System Development Fee Activity
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council adopt a Resolution accepting the Fiscal Year 2018-19 Annual AB 1600 Report of System Development Fee Activity.

SUMMARY

In accordance with the provisions of the State of California Government Code Section 66001 and 66006, the City is required to publish an annual report to provide an accounting of System Development Fees (also known as public facilities fees or development impact fees).

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 1987, the Governor signed AB 1600 thereby setting forth specific requirements as to how local government imposed, collected and reported various aspects of the System Development Fee program. These requirements went into effect on January 1, 1989. AB 1600 was subsequently codified as Section 66001 of the California Government Code.

The reporting requirements were subsequently developed and codified as Section 66006 of the Government Code. Pursuant to Subdivision (b) (1) of Section 66006, the following information must be made available to the public within 180 days after the last day of each fiscal year:

- (A) A brief description of the type of fee in the account or fund.
- (B) The amount of the fee.
- (C) The beginning and ending balance of the account or fund.
- (D) The amount of the fees collected and the interest earned.
- (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
- (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an intrafund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- (H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

This information is formally documented and provided in the attached FY 2018-19 Annual AB 1600 Report of System Development Fee Activity.

The following funds are considered **inactive** accounts due to the fact that they are no longer receiving development fee revenue:

1. System Development Bridges/Roads Fund 140
2. System Development Overpasses Fund 145
3. System Development Railroad Crossing Fund 146
4. System Development Crossroads Streets/Public Works Fund 214
5. System Development Crossroads Storm Drainage Fund 217
6. System Development Crossroads Police & General Government Fund 219

The following **active** accounts are being presented:

1. System Development Streets/Public Works Fund 205
2. System Development Water Fund 206
3. System Development Waste Water Fund 207
4. System Development Storm Drainage Fund 208
5. System Development Parks & Recreation Fund 209
6. System Development Police & General Government Fund 210

STRATEGIC PLAN

This report has been prepared to accomplish the Strategic Plan Goal to “Ensure Financial Stability”

FINANCIAL IMPACT

There is no financial impact associated with the approval and acceptance of this report.

ATTACHMENT

1. Resolution
2. Exhibit A: FY 2018-19 Annual AB 1600 Report of System Development Fee Activity

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, ACCEPTING THE FISCAL YEAR 2018-19 ANNUAL AB 1600 REPORT OF SYSTEM DEVELOPMENT FEE ACTIVITY

WHEREAS, the City of Riverbank imposes fees to mitigate the impact of development pursuant to Government Code Section 66000 et seq.; and

WHEREAS, said fees collected are deposited into special and separate capital funds for each type of improvement funded by development fees; and

WHEREAS, the City maintains separate funds for Streets/Public Works development, Water, Waste Water, Storm Drainage, Recreation & Parks, and Police & General Government fees; and

WHEREAS, the City is required within 180 days after the last day of each fiscal year to make available to the public information for the fiscal year regarding these fees under Government Code Section 66006; and

WHEREAS, the Finance Department has prepared a report ("AB 1600 Report") that contains the information required by Government Code Section 66006, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, there were no refunds of development impact fees collected pursuant to Government Code Section 66001(e), nor were there any allocations of unexpended revenues collected pursuant to Government Code Section 66001(f); and

WHEREAS the AB 1600 Report was made available for review on November 20, 2019 which is at least fifteen (15) days prior to the date that the Council considered the AB 1600 Report; and

WHEREAS, interested persons have requested notice of the AB 1600 Report; consequently notices of the availability of the AB 1600 Report were mailed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby declares as follows:

Section 1:

- A. In accordance with Government Code Section 66006, the City has conducted an annual review of its development impact fees and capital infrastructure

programs and the City Council has reviewed the AB 1600 Report attached hereto as Exhibit "A" and incorporated herein by this reference.

- B. The City Council hereby approves, accepts, and adopts its AB 1600 Report for Fiscal Year 2018-19.
- C. The AB 1600 report is available for public review on the City's internet website, the City Clerk's Office, and upon request.

Section 2: Effective Date. This resolution shall take effect immediately upon adoption.

Section 3: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 4: The City Council hereby authorizes the Finance Department to continue maintaining separate funds for Streets/Public Works, Water, Waste Water, Storm Drainage, Recreation & Parks, and Police & General Government System Development Fees.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of December, 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:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Exhibit A: FY 2018-2019 Annual AB 1600 Report of System Development Fee Activity

CITY OF RIVERBANK

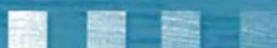
FY 2018-2019

ANNUAL AB 1600 REPORT OF SYSTEM DEVELOPMENT FEE ACTIVITY



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LETTER OF TRANSMITTAL

November 2019

The Honorable Mayor, Members of the City Council, and Residents of the City Riverbank
City of Riverbank
Riverbank, CA 95367

Dear Mayor, Members of the City Council, and Residents of the City of Riverbank:

California Government Code requires reporting of the usage of Development Fees (also known as System Development Fees). Therefore, in accordance with the provisions of the State of California and Government Code Section 66006(b) and 66001(d), as amended by AB 518 and SB 1693, I hereby submit the Annual AB 1600 System Development Fee Report for the City of Riverbank, CA for the fiscal year ended June 30, 2019.

Development Fees, otherwise known as System Development Fees (SDF), are a monetary exaction, other than a tax or special assessment, which is charged by a local governmental agency to an applicant in connection with approval of a development project. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project. The legal requirements for enactment of a system development fee program are set forth in Government Code section's 66000-66025 (the "Mitigation Fee Act"), the bulk of which was adopted as 1987's Assembly Bill (AB) 1600 and those are commonly referred to as "AB 1600" requirements.

The System Development Fee program has been in effect in Riverbank since 1967. Riverbank Municipal Code §150.30, titled "System Development Fees", establishes the authority for imposing and charging system development fees. §150.31 (b) of the Municipal Code states the following as reasons for adopting said fee:

- 1) To provide an adequate and constant method for the financing of the unfunded portion of needed 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 insure 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.

Fees are collected at the time a building permit is issued; unless a developer, through a development agreement, is allowed to defer payment until a certificate of occupancy is granted, for the purpose of mitigating the impacts caused by new development on certain public facilities. They are used to finance the acquisition, construction and improvement of public facilities needed as a result of this new development. A separate fund has been established to account for the impact of new development on each of the following types of public facilities: Streets/Public Works, Water, Waste Water, Storm Drainage, Parks/Recreation, and Police/General Government.

State law requires the City prepare and make available to the public an annual report for each fund established to account for System Development fees. The report must include the beginning and ending balances by system development type for the fiscal year as well as any changes. The report must also present the amount of fees, interest, and other income, expenditures and the amount of any required refunds made during the fiscal year.

The City Council must review the annual report at a regularly scheduled public meeting not less than fifteen days after the information is made available to the public. This report was filed with the City Clerk's office and available for public review on November 20, 2019.

Respectfully submitted,

Marisela H. Garcia

Marisela H. Garcia
Assistant City Manager/Director of Finance

LEGAL REQUIREMENTS

A. REQUIREMENTS FOR SYSTEM DEVELOPMENT FEES

State law (California Government Code Section 66006) requires each local agency that imposes AB 1600 system development fees to prepare an annual report providing specific information about those fees. Within the AB 1600 legal requirements, it stipulates that fees imposed on new development have the proper nexus to any project on which they are imposed. In addition, AB 1600 imposes certain accounting and reporting requirements with respect to the fees collected. The fees, for accounting purposes, must be segregated from the general funds of the city and from other funds or accounts containing fees collected for other improvements. Interest on each development fee fund or account must be credited to that fund or account and used only for the purposes for which the fees were collected.

Current California Government Code Section 66006(b) requires that for each separate fund the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of the fees collected and interest earned.
- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an inter-fund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeded the amount to be refunded.

LEGAL REQUIREMENTS

California Government Code Section 66001(d) requires the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing on incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

B. ADDITIONAL NOTES

The State of California Government Code Section 66002 requires local agencies that have developed a fee program to adopt a Capital Improvement Plan (CIP) indicating the approximate location, size and timing of projects, plus an estimate for the cost of all facilities or improvements to be financed by fees. A formal CIP is recommended, at a minimum, as a five-year plan. The City annually produces a five-year CIP which helps to maintain and update the City's General Plan. The CIP serves to identify situations where infrastructure is needed to accommodate the planned development.

The CIP relates the City's annual capital expenditures to a long-range plan for public improvements. By relating the plan for public improvements to the City's capacity for funding, and scheduling expenditures over a period of years, the CIP helps to maximize the funds available. This type of fiscal management is important during periods, such as the current one, that are typified by budgetary demands exceeding financial resources.

C. ESTABLISHING A REASONABLE RELATIONSHIP BETWEEN THE FEE AND THE PURPOSE FOR WHICH IT IS CHARGED

The City of Riverbank's current program, the City of Riverbank Nexus Fee Study, was adopted March 24, 2015. The program sets forth the relationship between contemplated future development, facilities needed to serve future development and the estimated costs of those improvements based on the current General Plan for build-out.

LEGAL REQUIREMENTS

The City's CIP projects are financed in part by the capital improvement fees outlined in the System Development fee program. The City's capital improvements provide infrastructure to the residents and businesses in Riverbank in order to keep pace with ongoing development in, and adjacent to, the community. Estimated project costs and, the summary of fee apportionment to each development fee type, are detailed within Section 4 of the Nexus Fee Study.

D. FUNDING OF INFRASTRUCTURE

The 2017-2022 CIP identifies all funding sources and amounts for individual projects through 2022. The CIP is updated annually to reflect the current infrastructure & equipment needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development. Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate development fee, based on the type of project. The percentage of use associated with existing residents or business are funded from other appropriate sources as identified on the CIP. All future planned infrastructure needs are outlined in the System Development Fee program. The funding and commencement dates for projects are adjusted, as needed, to reflect the needs of the community.

DESCRIPTION OF ACTIVE SYSTEM DEVELOPMENT FEES

Transportation Improvement Fee – Formerly known as Streets/Public Works. The purpose of this fee is to finance the improvements needed for the street and traffic safety needs of the citizens.

Water Fee - The purpose of this fee is to finance the water improvements needed for the citizens.

Waste Water Fee - The purpose of this fee is to finance the waste water improvements needed for the citizens.

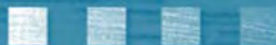
Storm Drainage Fee - The purpose of this fee is to finance the storm drain improvements needed for the citizens.

Parks & Recreation Fee - The purpose of this fee is to finance the park improvements needed for the citizens.

Police & General Government - The purpose of this fee is to finance the public safety and general government improvements needed for the citizens.



SYSTEM DEVELOPMENT FEE REPORTS



Fund 140

System Development Bridges/Roads Fund

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Bridges/Roads Fund - The purpose of this fee was to finance the construction of bridges and roads and improvements needed to maintain traffic movement and safety on City streets. These fees provide the above described project funding to accommodate traffic generated by future development within the City.

(B) The Amount of the current System Development Fee:

This System Development Fee is no longer actively collecting revenue.

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

This Fund is now inactive and no new revenues are anticipated. Existing funds will be allocated towards future ADA Projects.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 140

System Development Bridges/Roads Fund

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	23,276.98	33,722.40	33,836.06	34,036.31	34,422.59
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	58.00	113.66	200.25	386.28	668.17
Total Revenues	<u>58.00</u>	<u>113.66</u>	<u>200.25</u>	<u>386.28</u>	<u>668.17</u>
Expenditures					
Projects	-10,387.42	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>-10,387.42</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>33,722.40</u>	<u>33,836.06</u>	<u>34,036.31</u>	<u>34,422.59</u>	<u>35,090.76</u>

	Total Activity Cost	% Funded with Fee	Fund 140 Total
FY 2014-15 Activity			
MID Reimbursement of Fees	-15,503.60	67.0%	-10,387.42

Fund 145

System Development Overpasses Fund

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Overpasses Fund - The purpose of this fee was to finance the construction and improvements needed to provide a second crossing over the railroad tracks at Kentucky Ave. These fees provide the above described project funding to accommodate the needs generated by future development within the City. Council has determined that a second crossing at Kentucky is no longer feasible, therefore the funds have been re-allocated to a second crossing at Santa Fe Street.

(B) The Amount of the current System Development Fee:

This System Development Fee is no longer actively collecting revenue.

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

No Projects are anticipated at this time. Additional funding for the second crossing is being collected via the Streets/Public Works System Development Fee.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 145

System Development Overpasses Fund

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	181,496.01	175,780.92	176,527.70	177,843.30	180,381.14
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	466.91	746.78	1,315.60	2,537.84	4,389.90
Total Revenues	<u>466.91</u>	<u>746.78</u>	<u>1,315.60</u>	<u>2,537.84</u>	<u>4,389.90</u>
Expenditures					
Projects	6,182.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>6,182.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>175,780.92</u>	<u>176,527.70</u>	<u>177,843.30</u>	<u>180,381.14</u>	<u>184,771.04</u>

	Activity Cost	% Funded with Fee	Fund 145 Total
FY 2014-15 Activity			
Downtown Specific Plan EIR	6,182.00	100.0%	6,182.00

Fund 146

System Development Railroad Crossing Fund

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Railroad Crossing Fund - The purpose of this fee was to finance the improvements needed for the railroad crossing safety needs of the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The Amount of the current System Development Fee:

This System Development Fee is no longer actively collecting revenue.

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

Funds have been appropriated towards the Patterson/Roselle Traffic Signal Project.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 146

System Development Railroad Crossing Fund

	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2018-19
Beginning Fund Balance	398.89	398.89	398.89	398.89	398.89
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>398.89</u>	<u>398.89</u>	<u>398.89</u>	<u>398.89</u>	<u>398.89</u>

Total Activity Cost	% Funded with Fee	Fund 146 Total
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Fund 205

System Development Streets/Public Works Transportation Improvements

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Streets/Public Works Fund - The purpose of this fee is to finance the improvements needed for the traffic safety needs of the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The Amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$3,551
Lower Density (LDR)	DW	\$2,983
Medium Density (MDR)	DW	\$2,628
Higher Density (HDR)	DW	\$2,237
Mixed Use (MU)	DW	\$3,551
Community Commercial (CC)	Sq. Ft	\$5.57
Mixed Use Commercial (MU)	Sq. Ft	\$5.79
Industrial/Business Park	Sq. Ft	\$5.76
Office	Sq. Ft	\$3.51

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
RR Xing - 1st & Patterson Rd	1/1/2019
Roselle & Morrill Intersection Improvements	1/1/2019
RR Xing - Patterson Rd. near Terminal Ave.	1/1/2019

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

The Sewer Fund borrowed \$608,542.57 from the Streets/PW System Development Fee Fund in accordance with Resolution 2011-021. The Sewer Fund paid \$73,000 FY 2018-19 towards this loan.

An interfund transfer of \$26,417.57 was made to the General Fund for Management Fee expenses.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 205

System Development Streets / Public Works

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18*	FY 2018-19
Beginning Fund Balance	2,993,275.12	3,161,125.95	3,187,007.97	3,224,249.22	3,141,362.39
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	-9,458.41	-47,590.92
Revenues					
Developer Fees	146,644.91	332,155.31	14,901.72	27,175.56	65,779.77
Interest	41,461.75	38,641.69	43,048.01	54,137.90	55,950.42
Loan Repayment	0.00	0.00	0.00	73,140.25	73,140.24
Miscellaneous	2,470.00	3,546.09	0.00	-988.00	0.00
Total Revenues	190,576.66	374,343.09	57,949.73	153,465.71	194,870.43
Expenditures					
Projects	0.00	323,607.23	5,449.57	206,610.22	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	22.60	0.00	11.30	0.00
Total Expenditures	0.00	323,629.83	5,449.57	206,621.52	0.00
Transfers In/(Out)	-22,725.83	-24,831.24	-15,258.91	-20,272.61	-26,417.57
Ending Fund Balance	3,161,125.95	3,187,007.97	3,224,249.22	3,141,362.39	3,262,224.33

*Revised

	Total Activity Cost	% Funded with Fee	Fund 205 Total
FY 2015-16 Activity			
Oakdale & Morrill Traffic Signal	1,110,714.27	29.1%	323,607.23
FY 2016-17 Activity			
Patterson & Roselle Traffic Signal	1,849,541.00	0.3%	5,449.57
FY 2017-18 Activity			
Patterson & Roselle Traffic Signal	1,849,541.00	0.4%	7,758.58
Claribel & Roselle Traffic Signal	2,387,815.00	8.3%	198,851.64

Fund 206

System Development Water

For Purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Water Fund - The purpose of this fee is to finance the water improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The Amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$13,486
Lower Density (LDR)	DW	\$7,024
Medium Density (MDR)	DW	\$6,743
Higher Density (HDR)	DW	\$4,889
Mixed Use (MU)	DW	\$4,889
Community Commercial (CC)	Sq. Ft	\$2.07
Mixed Use Commercial (MU)	Sq. Ft	\$2.08
Industrial/Business Park	Sq. Ft	\$2.06
Office	Sq. Ft	\$2.03

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
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No Projects currently projected

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 206 System Development Water

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	561,541.15	592,834.78	532,711.80	549,809.88	555,974.31
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	-1,539.75	0.00
Revenues					
Developer Fees	28,741.05	47,425.59	15,549.60	17,900.28	37,327.88
Interest	2,552.58	903.22	1,548.48	2,959.30	5,111.42
Miscellaneous	0.00	0.00	0.00	195,902.88	0.00
Total Revenues	31,293.63	48,328.81	17,098.08	216,762.46	42,439.30
Expenditures					
Projects	0.00	108,451.79	0.00	209,058.28	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Administration	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	108,451.79	0.00	209,058.28	0.00
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	592,834.78	532,711.80	549,809.88	555,974.31	598,413.61

	Total Activity Cost	% Funded with Fee	Fund 206 Total
FY 2015-16 Activity			
Central Ave. Rehab Project (California to Kentucky)	409,227.86	26.5%	108,451.79
FY 2017-18 Activity			
Well #11 Land Purchase	172,737.00	100.0%	172,737.00

Fund 207

System Development Waste Water

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Waste Water Fund - The purpose of this fee is to finance the waste water improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$5,023
Lower Density (LDR)	DW	\$3,063
Medium Density (MDR)	DW	\$2,558
Highter Density (HDR)	DW	\$3,141
Mixed Use (MU)	DW	\$951
Community Commercial (CC)	Sq. Ft	\$1.65
Mixed Use Commercial (MU)	Sq. Ft	\$1.66
Industrial/Business Park	Sq. Ft	\$1.40
Office	Sq. Ft	\$1.29

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 207

System Development Waste Water

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	140,316.34	312,345.27	783,815.23	796,291.80	808,976.57
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	171,840.37	493,547.85	11,183.54	10,190.47	38,010.85
Interest	188.56	653.51	1,293.03	2,494.30	4,314.56
Total Revenues	<u>172,028.93</u>	<u>494,201.36</u>	<u>12,476.57</u>	<u>12,684.77</u>	<u>42,325.41</u>
Expenditures					
Projects	0.00	22,731.40	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Loan Payment	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>22,731.40</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>312,345.27</u>	<u>783,815.23</u>	<u>796,291.80</u>	<u>808,976.57</u>	<u>851,301.98</u>

	Total Activity Cost	% Funded with Fee	Fund 207 Total
FY 2015-16 Activity			
California Sewer Line Extension	22,731.40	100.0%	22,731.40

Fund 208

System Development Storm Drainage

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Storm Drainage Fund - The purpose of this fee is to finance the storm drain improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$7,632
Lower Density (LDR)	DW	\$6,922
Medium Density (MDR)	DW	\$2,794
Higher Density (HDR)	DW	\$3,154
Mixed Use (MU)	DW	\$2,041
Community Commercial (CC)	Sq. Ft	\$4.25
Mixed Use Commercial (MU)	Sq. Ft	\$4.22
Industrial/Business Park	Sq. Ft	\$4.16
Office	Sq. Ft	\$4.08

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Analysis - 8th St. Storm Drain	1/1/2020
Analysis - Candlewood Storm Drain	1/1/2020

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 208

System Development Storm Drainage

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	287,598.90	289,408.65	499,669.49	508,427.59	595,434.24
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	1,722.83	288,636.01	6,891.32	83,407.08	251,008.24
Interest	649.92	1,061.83	1,866.78	3,599.57	6,225.99
Total Revenues	<u>2,372.75</u>	<u>289,697.84</u>	<u>8,758.10</u>	<u>87,006.65</u>	<u>257,234.23</u>
Expenditures					
Projects	0.00	79,437.00	0.00	0.00	0.00
Miscellaneous	563.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>563.00</u>	<u>79,437.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>289,408.65</u>	<u>499,669.49</u>	<u>508,427.59</u>	<u>595,434.24</u>	<u>852,668.47</u>

	Total Activity Cost	% Funded with Fee	Fund 208 Total
FY 2014-15 Activity			
Central Ave. Rehab Permit Fees	409,227.86	0.1%	563.00
FY 2015-16 Activity			
Central Ave. Rehab Project (California to Kentucky)	409,227.86	19.4%	79,437.00

Fund 209

System Development Parks & Recreation

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Parks & Recreation Fund - The purpose of this fee is to finance the park improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$3,442
Lower Density (LDR)	DW	\$3,912
Medium Density (MDR)	DW	\$3,353
Higher Density (HDR)	DW	\$2,794
Mixed Use (MU)	DW	\$2,439

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Parks Master Plan	7/1/2019

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 209

System Development Parks & Recreation

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	317,168.58	363,422.50	761,262.13	619,923.34	672,873.65
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	135,375.78	397,482.94	8,246.00	52,232.68	150,703.30
Interest	332.11	356.69	415.21	717.63	1,218.82
Grant	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>135,707.89</u>	<u>397,839.63</u>	<u>8,661.21</u>	<u>52,950.31</u>	<u>151,922.12</u>
Expenditures					
Projects	89,453.97	0.00	150,000.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>89,453.97</u>	<u>0.00</u>	<u>150,000.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>363,422.50</u>	<u>761,262.13</u>	<u>619,923.34</u>	<u>672,873.65</u>	<u>824,795.77</u>

	Total Activity Cost	% Funded with Fee	Fund 209 Total
FY 2014-15 Activity			
Silva Park Phase II	274,000.00	0.3%	764.60
Silva Park Phase II * Paid in FY 14-15	274,000.00	26.4%	72,444.65
FY 2016-17 Activity			
Skate Park Project Legal Settlement	150,000.00	100.0%	150,000.00

Fund 210

System Development Police & General Government

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Police & General Government Fund - The purpose of this fee is to finance the public safety and general government improvements needed for the citizens. These fees provide the above described project funding to accommodate needs generated by future development within the City.

(B) The amount of the current System Development Fee:

<u>Land Use</u>	<u>Dev. Unit*</u>	<u>Fee Per Unit</u>
Clustered Rural (RR)	DW	\$1,246
Lower Density (LDR)	DW	\$1,416
Medium Density (MDR)	DW	\$1,213
Higher Density (HDR)	DW	\$1,011
Mixed Use (MU)	DW	\$883
Community Commercial (CC)	Sq. Ft	\$0.37
Mixed Use Commercial (MU)	Sq. Ft	\$0.37
Industrial/Business Park	Sq. Ft	\$0.27
Office	Sq. Ft	\$0.51

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

<u>Project</u>	<u>Est. Date</u>
Animal Control Vehicle	6/30/2020
Spatial Analysis - City Hall	2/1/2019

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 210

System Development Police & General Government

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	156,790.96	261,331.53	494,601.64	470,920.04	471,422.30
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	129,670.06	233,881.06	5,183.20	19,455.21	59,504.43
Interest	88.09	65.22	24.98	13.05	13.05
Miscellaneous	0.00	102.43	0.00	0.00	0.00
Total Revenues	<u>129,758.15</u>	<u>234,048.71</u>	<u>5,208.18</u>	<u>19,468.26</u>	<u>59,517.48</u>
Expenditures					
Projects	0.00	778.60	28,889.78	18,966.00	76,748.81
Miscellaneous	25,217.58	0.00	0.00	0.00	0.00
Total Expenditures	<u>25,217.58</u>	<u>778.60</u>	<u>28,889.78</u>	<u>18,966.00</u>	<u>76,748.81</u>
Transfers In/(Out)	0.00	0.00	0.00	0.00	0.00
Ending Fund Balance	<u>261,331.53</u>	<u>494,601.64</u>	<u>470,920.04</u>	<u>471,422.30</u>	<u>454,190.97</u>

	Total Activity Cost	% Funded with Fee	Fund 209 Total
FY 2014-15 Activity			
3231 Santa Fe Demolition - Riverbank Museum Annex	17,330.10	100.0%	17,330.10
General Plan Update	1,887.48	100.0%	1,887.48
Riverbank Museum Annex Conceptual Design	6,000.00	100.0%	6,000.00
FY 2015-16 Activity			
Riverbank Museum Annex Land Improvements	534.60	100.0%	534.60
Riverbank Museum Annex Conceptual Design	244.00	100.0%	244.00
FY 2016-17 Activity			
City Hall Vehicle	28,889.78	100.0%	28,889.78
FY 2017-18 Activity			
Animal Control Transportation Unit	18,966.00	100.0%	18,966.00
FY 2018-19 Activity			
Spatial Analysis	110,000.00	21.3%	23,448.68
Vehicle - Parks Department	33,025.12	100.0%	33,025.12
Animal Control Vehicle - Payment #1	20,000.00	100.0%	20,000.00

Fund 214

System Development Crossroads Streets/Public Works

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Crossroads Streets/Public Works Fund - The purpose of this fee was to finance the Streets and Public Works improvements needed for the Crossroads Subdivision. These fees provide the above described project funding to accommodate needs generated by the future development within this area.

(B) The amount of the current System Development Fee:

	Dev. Unit* Fee Per Unit
Residential - Single Family	DW \$1,899
Residential - Multi Family	DW \$1,899

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 214

System Development Crossroads Streets / Public Works

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	3,546.09	3,546.09	0.00	0.00	0.00
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	-3,546.09	0.00	0.00	0.00
Ending Fund Balance	<u>3,546.09</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

FY 2015-16 Activity

Transfer out to System Dev. Fund	3,546.09
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Fund 217

System Development Crossroads Storm Drain

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Crossroads Storm Drainage Fund - The purpose of this fee was to finance the Storm Drain infrastructure improvements needed for the Crossroads Subdivision. These fees provide the above described project funding to accommodate needs generated by the future development within this area.

(B) The amount of the current System Development Fee:

	Dev. Unit	* Fee Per Unit
Residential - Single Family	DW	\$2,970
Residential - Multi Family	DW	\$2,121

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 217

System Development Crossroads Storm Drainage

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	102.43	102.43	0.00	0.00	0.00
Adjust Beg. Balance					
Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	-102.43	0.00	0.00	0.00
Ending Fund Balance	<u>102.43</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

FY 2015-16 Activity

Transfer out to System Dev. Fund	102.43
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Fund 219

System Development Crossroads Police & General Government

For purposes of compliance with Government Code Section 66006 (b) (1), the following information regarding AB 1600 fees is presented:

(A) A brief description of the type of fee in the account or fund:

System Development Crossroads Police & General Government Fund - The purpose of this fee was to finance the public safety & general government improvements needed for the Crossroads Subdivision. These fees provide the above described project funding to accommodate needs generated by the future development within this area.

(B) The amount of the current System Development Fee:

	Dev. Unit* Fee Per Unit
Residential - Single Family	DW \$2,232
Residential - Multi Family	DW \$2,297

* DW = Dwelling Unit; Sq. Ft. = Square Foot

(C) The Beginning & Ending Balance of the account or Fund.

See Attached Financial Report

(D) The amount of the fees collected and interest earned.

See Attached Financial Report

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attached Financial Report

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

There are currently no projects anticipated.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

No interfund transfers or loans were made during the 2018-19 fiscal year.

(H) The amount of refunds made pursuant to subdivision (e) Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

Fund 219

System Development Crossroads Police & General Government

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Fund Balance	102.43	102.43	0.00	0.00	0.00
Adjust Beg. Balance Per Auditors	0.00	0.00	0.00	0.00	0.00
Revenues					
Developer Fees	0.00	0.00	0.00	0.00	0.00
Interest	0.00	0.00	0.00	0.00	0.00
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenditures					
Projects	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Expenditures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Transfers In/(Out)	0.00	-102.43	0.00	0.00	0.00
Ending Fund Balance	<u>102.43</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

FY 2015-16 Activity

Transfer out to System Dev. Fund	102.43
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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	December 10, 2019
Subject:	Conduct the Public Hearing and Table Consideration of the Closeout of the 16-CDBG-11211 Grant Under the State of California Housing and Community Development Economic Development Over The Counter (OTC) Allocation in Support of a Commercial Business to Finance Public Infrastructure to Meet the Needs of Repsco Inc.
From:	Sean Scully, City Manager
Submitted by:	Annabelle H. Aguilar, CMC, City Clerk for Melissa Holdaway, LRA Administrative Analyst II

RECOMMENDATION

It is recommended that the City Council conduct the public hearing and table the matter by:

1. Questions or Comments by the Council;
2. Open the public hearing;
3. Receive comments;
4. Close the public hearing; and
5. By roll call vote, table the public hearing until further notice.

SUMMARY

A notice for the purpose of conducting a public hearing to review and approve the accomplishments funded under the CDBG Grant was published in the Riverbank News on November 27, 2019. After further review of the Grant, City Staff was informed that the public benefit requirement had not been met. Upon completing this requirement, the public hearing to close out the CDBG Grant will be rescheduled for Council's consideration. Staff requests that this item be tabled until further notice.

FINANCIAL IMPACT

The regular cost of business to notice a public hearing.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: December 10, 2019

Subject: Conduct Public Interviews and Select an Applicant to serve as the Riverbank Representative on the Stanislaus County Fire Protection District Board of Directors; and

Adopt a **Resolution** to Approve the Appointment of (Applicant - TBD) to the Stanislaus Consolidated Fire Protection District Board of Directors as the City of Riverbank Representative

From: Sean Scully, City Manager

Submitted by: Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the public interviews and by a majority roll call vote select an applicant as the City of Riverbank's Representative to the SCFPD Board of Directors, and confirm the appointment by adoption of a Resolution.

SUMMARY

In accordance with City Council Resolution No. 2016-017, the four-year term for current Riverbank Representative, Michelle Guzman, who serves on the Stanislaus County Fire Protection District ("SCFPD") Board of Directors ("Board"), will expire December 31, 2019.

A notice of vacancy was posted October 24, 2019, opening a recruitment to receive applications from interested Riverbank residents. The recruitment closed on December 3, 2019, which resulted in receiving two (2) applications for City Council's consideration. Applicants Chad Homme and Riverbank Mayor Richard O'Brien will be publicly interviewed by the City Council, and considered for appointment as the Riverbank Representative to the Board, and serve a four-year term beginning January 2020, and expiring December 31, 2023.

BACKGROUND

The SCFPD Board of Directors is a five-member board that serves as a unit of authority within the District. The SCFPD Board of Directors are charged with strategic leadership, policy and direction, and fiscal oversight. Established March 3, 1995, the "District" is the

consolidation that includes unincorporated sections of East Modesto, the cities of Riverbank and Waterford and the communities of Empire, La Grange and Hickman. Board Members serve a four-year term, with a two-term limit.

The Board's regular meetings are held on the second Thursday of each month at 6:00 p.m., with Special meetings conducted as needed. Riverbank's Representative will provide an update of the Board's business and actions to the City Council on a quarterly basis.

Doctrine of Incompatible Offices

There may be an interest in knowing whether applicant Mayor O'Brien, who currently serves as the Mayor of the City of Riverbank, may also serve as the City's Representative on the SCFPD Board of Directors. A State Attorney General's opinion was requested and issued. This inquiry required the exploration of the doctrine of incompatible offices, which prohibits a person from concurrently holding two public offices if the performance of the duties of either office could have a significant adverse effect on the other. After extensive analysis the opinion issued by State Attorney General Xavier Becerra confirms that the Mayor of the City of Riverbank may simultaneously serve as a member of the Board of Directors of the Stanislaus Consolidated Fire Protection District if the Mayor has been selected by the City of Riverbank [City Council] to be its designated appointee to the board.¹

STRATEGIC PLAN

The mission of the City of Riverbank is to provide high quality, professional services and a safe family-oriented community for our diverse residents to thrive. The Fire District provides essential fire and medical services, safeguarding the residents of the City of Riverbank. Appointing a Riverbank Representative to serve on the SCFPD Board of Directors provides the opportunity for the City to collaborate with District leadership and other District territory Board representatives to assist in the development, operation, and maintenance of a strong, responsible Fire District; all of which is consistent with the City's mission.

FINANCIAL IMPACT

The SCFPD provides a stipend of \$100 per day and/or evening for attendance of a meeting.

ATTACHMENT

1. Applications
2. Resolution

¹ (Office of the Attorney General, State of California, Opinion of Xavier Becerra, Attorney General; No. 17-1101; April 26, 2019).

	APPLICATION Riverbank Representative to the Stanislaus County Consolidated Fire Protection District Board of Directors	Received (Date Stamp) RECEIVED By aaguilar at 11:17 am, Dec 02, 2019
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TO QUALIFY: APPLICANTS MUST AT LEAST 18 YEARS OF AGE AND BE A RESIDENT OF THE CITY OF RIVERBANK.

Please type or print

(Home address and contact information will not be made public.)

Name ☒ Mr. ☐ Ms. Chad T Homme
First *M.I.* *Last*

Home Address Riverbank 95367
Address *City* *Zip*

Mailing Address (if different) _____ #of Years as Riverbank Resident 13

Contact Phone .. _____ *E-mail _____
(*The first method of communication will be via email.)

WRITTEN COMMUNICATION IS EVALUATED - DO NOT ONLY INDICATE "SEE RESUME"

CURRENT OR LAST EMPLOYER HISTORY INFORMATION

Employer Stanislaus County Address 3705 Oakdale Road

Position Comm. Coordinator Employment Dates 03/07 to Present List Responsibilities below:

I have served as the Stanislaus County Fire Communications Coordinator since March of 2007. I work to support and enhance critical communications systems that are in use throughout Stanislaus County Fire Agencies. I am tasked with supporting infrastructure, radios, mobile data computers (MDC's), computer aided dispatch (CAD), and specific department requests on a daily basis. I am currently migrating Stanislaus County Fire Agencies to a new digital communications system.

QUESTIONNAIRE (IF NEEDED, ADD PAGES; INCLUDE YOUR NAME)

List community organizations or boards to which you currently belong or previously belonged to:

Within the community, I have served as a volunteer for the Wags and Whiskers animal rescue while they were open in Stanislaus County. This involved caring for animals, assisting with facilities maintenance and upkeep, and networking to get animals placed that may have been difficult to otherwise place. I continue to support several other animal rescues by transporting and networking as well. I am also active in participating with the March for Babies fundraising events in Stanislaus County.

List your level of education, training, and/or any special certifications.

I have completed many of the core ICS courses (100, 200, 300, 400, 700, 800, etc). I also have been trained and certified in public mass notification systems (IPAWS/EAS/WEA). I also serve as a Communications Unit Leader for fire agencies. I have served as a volunteer firefighter in the past, and am familiar with how special districts are organized and operate.

What qualifications, skills, experience, or philosophies do you have that would make you the best Riverbank representative to serve on the SCFPD Board of Directors.

I have been involved in supporting public safety agencies for over twenty years. I know what it means to serve the public, and would serve the City of Riverbank with the utmost respect and integrity. I feel that having lived in Riverbank for the past 13 years, I have watched the Stanislaus Consolidated Fire Protection District go thru numerous changes, whether it be Fire Chief's, contract changes, etc. I am well aware of the financial hardship the district is going thru with unfunded liabilities and would support the district and help in recovering with a healthy reserve. As a public servant I would serve the citizens and ensure that maintaining service levels within the City of Riverbank be a top priority. Protecting Riverbank in the future with the growth in Crossroads West would be a top priority.

I would be proud to serve and represent my fellow citizens of Riverbank.

Do you have any financial interest, or have any relative employed by the District or serving in an official capacity? Yes ☐ No ☒ If yes, please explain:

Please list (3) references that are not relatives:

Name: Erik Klevmyr	Contact _____	Relationship: Co-worker
Name: Bob Leonard	Contact _____	Relationship: Neighbor
Name: Chris Holmer	Contact _____	Relationship: Friend

ATTACHING A RESUME MAY BE BENEFICIAL, HOWEVER, IS NOT REQUIRED.

By signing below, I declare under penalty of disqualification and termination, that all statements in this application and any attached responses are true and complete to the best of my knowledge. I accept the responsibilities of serving as the Riverbank Representative on the SCFPD Board of Directors and I am able and willing to:

- Attend the required meetings and notify the Board Secretary in advance of any excused absence, if it occurs;
- Devote the time to study the materials provided in order to make sound decisions;
- Timely complete the required Form 700, Statement of Economic Interests; and
- On a quarterly basis, attend a City Council meeting to report on Board activities.

I am aware that, other than contact and address information, this application is a public document.

SIGNATURE (required): _____ DATE: 11-27-19

Print and sign Form

Completed and signed applications may be mailed or delivered to:

City of Riverbank
c/o City Clerk

6707 Third Street, Suite A
Riverbank, CA 95367

To email, scan and send PDF

Or, emailed to aaguilar@riverbank.org

To fill out form - download to make it interactive

	APPLICATION Riverbank Representative to the Stanislaus County Consolidated Fire Protection District Board of Directors	Received (Date Stamp) CITY OF RIVERBANK NOV 12 2019 RECEIVED BY: <u>Monette H. Davis</u>
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TO QUALIFY: **APPLICANTS MUST AT LEAST 18 YEARS OF AGE AND BE A RESIDENT OF THE CITY OF RIVERBANK.**

Please type or print

(Home address and contact information will not be made public.)

Name ☒ Mr. ☐ Ms. Richard D O'Brien
*First**M.I.**Last*

Home Address Riverbank 95367
*Address**City**Zip*

Mailing Address (if different) _____ #of Years as Riverbank Resident _____

Contact Phone # _____ *E-mail _____
(*The first method of communication will be via email.)

WRITTEN COMMUNICATION IS EVALUATED - DO NOT ONLY INDICATE "SEE RESUME"

CURRENT OR LAST EMPLOYER HISTORY INFORMATION

Employer Retired Address _____

Position _____ Employment Dates _____ List Responsibilities below:

QUESTIONNAIRE (If needed, add pages; include your name)

List community organizations or boards to which you currently belong or previously belonged to:

Riverbank City Council/Local Redevelopment Authority Chair
Stanislaus County LAFCO
Stanislaus Council of Government
STANCOG Executive Committee
President Society for Disabilities

Masters Business Administration Executive Management Leadership Training Certified Human Resource Manager
--

Skilled accountant that can help direct resolutions and lessen structural deficits.
I am able to understand complex issues and develop pathways for resolution.

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO APPROVE THE APPOINTMENT OF (____ TBD ____) TO THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AS THE CITY OF RIVERBANK REPRESENTATIVE

WHEREAS, the Stanislaus Consolidated Fire Protection District (SCFPD) Board of Directors was established March 3, 1995, under the legal authority of the Health and Safety Code Section 13800, known as the Fire Protection District Law of 1987, which complied with the California Government Code Section 56001, Cortese-Knox Reorganization Act; and

WHEREAS, a five (5) member Board of Directors was created, with one (1) Director being a resident of the City of Riverbank, who is appointed to the Board by the City Council; and

WHEREAS, members appointed to the Board serve a four-year term, with a limit of two terms; and

WHEREAS, all members who serve on the Board of Directors shall meet the Fair Political Practices Commission, conflict of interest filing requirements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Riverbank hereby finds, determines, and resolves as follows:

1. The four-year term of current SCFPD Board of Directors Riverbank Representative, Michelle Guzman, will expire on December 31, 2019.
2. A notice of vacancy was posted October 24, 2019, opening a recruitment to receive applications through December 3, 2019, for consideration to fill the expired Riverbank seat on the SCFPD Board of Directors.
3. Public interviews were conducted on December 10, 2019, to consider applicants Chad Homme, and Riverbank Mayor Richard O'Brien to serve as Riverbank's representative.

4. After consideration, the City Council approves the appointment of _____ to the Riverbank representative seat on the SCFPD Board of Directors to serve a four-year term expiring December 31, 2023.
5. On a quarterly basis, Riverbank representative, _____, shall provide an update of the Board's business and actions to the City Council during a regularly scheduled meeting.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Riverbank approves to have _____ continue to serve on an interim basis upon the expiration of his term (December 31, 2023), if he has provided the City written confirmation that he desires to do so, until a new appointment is approved by the City Council.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of December, 2019; motioned by _____, seconded by _____, 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

Darlene Barber-Martinez
Vice Mayor

Attachment: Application of _____

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	December 10, 2019
Subject:	Consider a Resolution to Approve a Memorial at Sorenson Park for Ismael Martinez-Huertas as Requested by Mrs. Alcira Vega
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council consider authorizing a memorial for Ismael Martinez-Huertas at Sorenson Park.

SUMMARY

In the late afternoon on August 26th 2019 Ismael Martinez-Huertas a Gilton Solid Waste Employee was tragically killed in an apparent equipment related accident on the 5300 block of Homewood Way. In the wake of the passing of Mr. Martinez-Huertas there was an out pouring of support from the community expressing their condolences for this tragedy. Many community members posted purple hearts on their refuse cans in his memory and a candlelight vigil that was attended by friends, family, community members, City Council Members, City staff, and various partner agencies.

Since that time City staff have been contacted by Alcira Vega the spouse of Mr. Martinez-Huertas inquiring whether the City would consider a memorial of some sort for Mr. Martinez-Huertas given that he passed while providing a contracted service to the City of Riverbank. Staff has met with Mrs. Vega a number of times to discuss various appropriate approaches to a memorial that balance general City policy with a sensitivity to this tragedy. After discussion, Mrs. Vega has proposed a memorial decorative stone be placed in Sorensen Park (which is adjacent to where Mr. Martinez Huertas passed) with a small plaque in his memory. Mrs. Vega has contacted a previous employer of Mr. Martinez-Huertas (Sunrise Building Material) who have offered to donate a decorative stone for this memorial at no cost (they sell these types of materials). The concept has been discussed with the Parks and Recreation Director who has concurred that the memorial could be appropriately placed within the edge of the park area. Staff would work to make sure that the stone was low in profile and complimentary to the design of the park area.

The City does not have a formal process for considering these types of requests, this is likely due to the fact that these requests have traditionally been rare. Obviously this is a particularly unique and tragic situation given the nature of how Mr. Martinez-Huertas passed away. In the absence of a policy the Council has discretion to approve or deny these types of requests.

FINANCIAL IMPACT

None – in working with Mrs. Vega is appears as though materials will be donated for the memorial.

ATTACHMENTS

Resolution

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING A MEMORIAL FOR ISMAEL MARTINEZ-HUERTAS AT
SORENSEN PARK AS REQUESTED BY MRS. ALCIRA VEGA**

WHEREAS, on August 26 2019, Gilton Solid Waste Employee Ismael Martinez-Huertas died in an apparent equipment related accident on the 5300 block of Homewood Way; and

WHEREAS, the community immediately rallied to the support of the Martinez-Huertas' family; and

WHEREAS, Mr. Martinez-Huertas' wife Mrs. Alcira Vega has requested that the City consider allowing a memorial to be placed in a public location in memory of her late husband; and

WHEREAS, in absence of an adopted policy the City Council is the authority to consider this request; and

WHEREAS, Sorenson park is the most appropriate location for this memorial; and

WHEREAS, all materials for the memorial will be donated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the request for a memorial to Ismael Martinez-Huertas.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of December 2019; motioned by _____, seconded by _____, and upon roll call was carried by the following vote of _-_:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date:	December 10, 2019
Subject:	A Resolution Requesting that the Stanislaus County Sheriff's Department Appoint Lieutenant Ed Ridenour to the Position of Chief of Police for Riverbank Police Services
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council approve the attached resolution formally requesting that the Stanislaus County Sheriff appoint Lieutenant Ed Ridenour to the position of Chief of Police for Riverbank Police Services.

SUMMARY

The City of Riverbank contracts for law enforcement services with the Stanislaus Sheriff's Department. The Sheriff's Department provides law enforcement, administrative support, and management personnel to staff Riverbank Police Services. Chief Erin Kiely has recently informed both the City of Riverbank and the Stanislaus County Sheriff of his intention to retire in March of 2020. In order to plan appropriately for the Chief's pending retirement, the Stanislaus County Sheriff's office initiated an internal recruitment for Chief Kiely's replacement in October of this year. Sheriff Dirkse and his Command Staff indicated that the Riverbank City Council could participate in a long standing process whereby the Sheriff's Office forwards qualified candidates who are interested in serving as the Riverbank Chief of Police to the City for consideration.

On November 12, 2019 the City Council held interviews of qualified candidates for the Chief position. As a result of those interviews the City Council has provided direction on who the top candidate for Riverbank Chief of Police. The top candidate is Lieutenant Ed Ridenour. Lieutenant Ridenour is a 20 year veteran with the Stanislaus County Sheriff's office. Lieutenant Ridenour has a wide range of operational and management experience in law enforcement within Stanislaus County. Toward the beginning of his career Lt. Ridenour was previously stationed as a patrol deputy within the City of Riverbank. Since that time Lt. Ridenour has served the Sheriff's Department as a Community Deputy in Salida, Deputy within the Special Vehicles Operations Unit, Chief Deputy Corner, Patrol Watch Commander, and most recently as the Court Services Commander.

As Riverbank Chief of Police Services, Lt. Ridenour will be responsible for the day to day management operations of Riverbank Police Services. This includes all law enforcement related operational and service delivery tasks required to provide law enforcement services to the City of Riverbank. In addition, Lt. Ridenour will be responsible for all common additional duties as normally required of a Chief of Police (as has been the case with Chief Kiely and his predecessors).

Staff has already had some initial discussions with the Sheriff's executive team regarding the transition timeline in order to hopefully provide some overlap between Chief Kiely and incoming Chief Ridenour. As Chief Kiely's retirement timeline nears, staff will provide updates on the transition plan. In addition, as the timeline for transition nears, City staff will work on an appropriate meet and greet forum for our new Police Chief to meet the community.

Staff would like to thank the Stanislaus County Sheriff and his Executive Team for their professionalism, communication and long term planning that has led to this successful process.

FINANCIAL IMPACT

No immediate direct financial impact at this time.

ATTACHMENTS

Resolution 2019-XXXX

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, REQUESTING THAT THE STANISLAUS COUNTY SHERIFF APPOINT LIEUTENANT ED RIDENOUR TO THE POSITION OF CHIEF OF POLICE FOR RIVERBANK POLICE SERVICES

WHEREAS, the City of Riverbank's Strategic Plan lists improving of public safety as a one of eight goals; and

WHEREAS, the City of Riverbank contracts with the Stanislaus County Sheriff's Department for Law Enforcement Services; and

WHEREAS, the position of Chief of Riverbank Police Services is key to ongoing excellent law enforcement services in Riverbank; and

WHEREAS, current Chief Kiely has notified the City as well as the Sheriff's Department of his intention to retire in March of 2020; and

WHEREAS, the Sheriff's Department initiated an internal recruitment process for the Riverbank Police Services Chief position; and

WHEREAS, the Sheriff's Department forwarded qualified candidates to the Riverbank City Council for formal interviews;

WHEREAS, the Riverbank City Council provided direction on the preferred candidate to City staff and the Stanislaus County Sheriff's Department;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby requests that the Stanislaus County Sheriff appoint Lieutenant Ed Ridenour as Chief of Riverbank Police Services.

AND BE IT FURTHER RESOLVED that the appointment take place in an appropriate timeline to be determined by the Sheriff's Department taking into consideration Chief Kiely's timeline for retirement.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of December, 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

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.4

SECTION 6: NEW BUSINESS

Meeting Date:	December 10, 2019
Subject:	Water Consumption Billing Update
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council receive an update regarding the status of water consumption billing and provide direction to staff.

SUMMARY

Staff has taken the steps necessary to resume consumption billing to be reflected on the January 2020 billing which reflects consumption for the November/December billing period. Direction from the City Council is requested regarding the timing to move forward.

BACKGROUND

In November 2016, the City Council provided direction to staff to bill water utility customers only the base rate until such time that the Water Meter Project was completed. As of this time, all water meters have been installed, tested, and since July 2019 the Finance Department has been able to include consumption data on resident's utility bills.

Over the course of these past several months, the City has advertised via the utility bill that consumption billing would resume, and staff comments to the City Council during meetings have stated that consumption billing would resume on the January 2020 billing which reflects the consumption for the November/December period.

There has been feedback received regarding the timeline and notification that the City would begin using the consumption data from November/December in order to process the January billing.

Staff is requesting direction on the following two options:

1. Reaffirm that consumption billing will resume with the January 2020 billing, or
2. Resume consumption billing with the March 2020 (January/February Usage) billing to allow for additional customer outreach, education, and to allow one additional billing cycle for residents to monitor their usage before consumption billing is applied.

Delaying the implementation of consumption billing until the March 2020 billing would allow for the following:

1. Notification to residents that effective January 1, 2020 consumption will now begin to be billed with Facebook posts, direct mailers, utility bill notifications.
2. Roll-out of AquaHawk online water usage monitoring system as of January 2020. This will allow residents to login and monitor usage on a daily, weekly, monthly basis if desired. The system is in test mode by a hand selected group of residents.

STRATEGIC PLAN

This report strives to achieve the following City of Riverbank Strategic Plan Goals:

- Ensure Financial Stability
- Improve Community Communication

FINANCIAL IMPACT

The continued delay of the implementation of consumption billing has resulted in a loss of revenues. These revenues are the funding source for the capital projects identified in the Water Rate Study Capital Improvement Plan, which includes projects such as Water Main Upgrades. For the October 2019 billing, the City would have collected a substantial amount of revenue from residential customers as a result of water usage over the base rate for the months of September/October which is illustrative of general lack of conservation in the post drought regulations.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.5

SECTION 6: NEW BUSINESS

Meeting Date: December 10, 2019

Subject: Cannabis Development Proposals – On-Site Consumption – Discussion and Direction

From: Sean Scully, City Manager

Submitted by: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council review the provided information regarding the onsite consumption of cannabis, take public comment, and provide direction to staff.

Some options for direction could include:

1. Direct staff to research and return to City Council draft code amendments to the cannabis ordinance that Council could consider that addresses onsite consumption.
2. Determine that the current code is sufficient and that no changes are needed at this time, which would keep in place no allowance for onsite consumption.
3. Request additional research and analysis.

BACKGROUND AND ANALYSIS

On November 8, 2016, the citizens of California approved Proposition 64 (Adult Use of Cannabis). In accordance with Proposition 64, recreational use of cannabis is now legal throughout the state, but each local jurisdiction has the right to police commercial cannabis activities within their boundaries.

On August 8, 2017 and August 22, 2017, the Riverbank City Council adopted Ordinance No. 2017-007, which provides a regulatory structure for commercial cannabis activities in the City of Riverbank. Staff drafted application forms and began meeting with cannabis business applicants. Subsequently, two dispensaries and one wholesale distribution use have gone through the public hearing process and were approved to operate.

As the years have gone by, various other cannabis businesses have approached the City wanting to set up shop. Many of these businesses have unique visions and products such as sports drinks with cannabis extracts, boutique cannabis grows, cannabis waste recycling, cannabis delivery pods, etc. Not many of these businesses get a public hearing

in front of Council because they are unable to find an appropriate location to rent or the investment needed is more than they anticipated. There are two business proposals that staff would like to bring to the Council's attention to get some direction.

More recently, staff has been approached a number of times by current and prospective businesses interested in proposing or integrating in onsite consumption of cannabis. Currently, the Riverbank ordinance that establishes the regulatory framework for Cannabis does not directly address on site consumption whatsoever, therefore under the current code a commercial business with onsite cannabis consumption is currently not allowed within the City of Riverbank. Some jurisdictions in California have begun permitting businesses with onsite consumption in recent months (most notably reported in the media are the cannabis café's in Los Angeles and San Francisco).

While the Bureau of Cannabis states that it does not issue separate licenses for onsite consumption, the Bureau of Cannabis Control notes that "section 26200(g) of the Business and Professions Code states ...a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

1. Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.
2. Cannabis consumption is not visible from any public place or nonage-restricted area.
3. Sale or consumption of alcohol or tobacco is not allowed on the premises.

Obviously this is a very new use type that has limited experience within California and therefore a relatively small sample size exists to definitely know about the public safety, land use and external impacts that could be a result of this type of activity/business. The common community concerns raised would likely be very similar to those concerns raised for bars and other similar types of uses.

Additionally, the Bureau of Cannabis Control allows licensing for "Cannabis Events" which allow for events that would sell and allow onsite consumption. A Bureau of Cannabis Control (BCC) Temporary Cannabis Event License allows a jurisdiction like Riverbank to approve a specific venue for the temporary (i.e. 1-4 days) sale and consumption of cannabis by persons 21 years of age and older. The steps necessary to obtain a BCC Temporary Cannabis Event License are:

1. A BCC Licensed Cannabis Event Organizer (i.e. an established and registered corporation, partnership, sole proprietorship, LLC, etc.) that has paid for an Event Organizer license and paid the license fee, submits an application to the BCC at least 60 days before the start of the event.
2. The event can only be held at a venue "expressly approved by a local jurisdiction for temporary cannabis events." A written approval from the local jurisdiction authorizing on-site cannabis sales and consumption by persons age 21 or older is required with the application.

3. As part of the application, a diagram of the physical layout of the event, which includes information contained in section 5601 (h)(5) of the Bureau's regulations. There must also be a list of all licensees providing on-site sales at the event.
4. There are a variety of other requirements similar to those required for onsite consumption in a microbusiness (dispensary or similar type of business).

If regulation was to be considered it would be critical to work with public safety, legal and land use departments to impose reasonable restrictions to mitigate potential impacts. This would require some staff research and analysis into best practices as well as well thought out code amendments that could create a permitting avenue for these types of projects to be considered. As was previously stated, staff has had requests for consideration for these types of businesses, but before the effort of using staff resources on creating a code section is initiated it is important to get direction from the City Council on whether this is a direction that Council is interested in considering. If it is not something that the Council is interested in at this time the current code which does not have allowances for this type of use may remain in place without further edit.

The following are short narratives to give Council example of the kinds of proposals staff have received relating to onsite consumption. The narratives are provided to give Council a real world example of onsite consumption in order to consider onsite consumption code amendments globally and **are not** intended as proposals for actual Council consideration at this time, if a code amendment was directed it would give these businesses the opportunity to apply independently for consideration by Planning Commission or City Council in compliance with our typical land use process.

Example 1: Riverbank Cannabis Collective

Riverbank Cannabis Collective (RCC) is located next door to City Hall South. RCC spends a significant amount of time sitting down and educating their medicinal cannabis patients one-on-one, no matter how long it takes. One component missing from their educational process is the ability to show patients how to use some of the products. Since the "use" or "consumption" of cannabis products in a dispensary is currently prohibited, patients cannot be educated on how to roll or smoke their cannabis cigarettes, how much cannabis should be prepared and used, or even the best technique for using THC creams on arthritic fingers or toes. RCC would like their patients to have the ability to use or consume small amounts of cannabis products in an educational setting within a separate physical portion of their building designed for onsite consumption.

Example 2: Natural Remedies Consulting

Natural Remedies Consulting (NRC) is an established vertically integrated cannabis business located in Modesto which conducts retail, cultivation, non-volatile manufacturing, and distribution activities. They are dedicated to producing cannabis products for sale which are certified to be toxic metal and pesticide free. NRC owners want to branch out into another business in Riverbank – an indoor event venue.

Besides being a weekday training venue for First Aid and CPR classes, storm water regulation classes, supervisor trainings, building code conferences and the like, the proposed venue owners want to create something totally unique on the weekends that (in their opinion) would put Riverbank on the map. They propose hosting a variety of Indoor Cannabis Events on the weekends, including ones for cannabis growers and manufacturers only to network, manufacturers and dispensaries only to network, Cannabis experts and the American Cancer Society, professional growers and home growers, etc. The combinations of education, networking, nonprofits, professionals, and the public is endless. Whether or not the Council is interested in allowing cannabis consumption and sales at these weekend events is the question staff would like to have answered. It is anticipated, for example, that networking growers and dispensary operators would want to sample the products before placing large orders. This would not necessarily be the case for a conference of Cancer Society and cannabis professionals.

In addition to a calculated community benefit from gross sales at these various events, NRC expects that the City would be remunerated for any extra administrative or enforcement staff or resources necessary for the City to administer an Indoor Cannabis Event Program. These events would have food, beverages, and music keyed to specific marketing themes but no alcoholic beverages would ever be allowed at cannabis events per the BCC.

Like the dispensaries in Riverbank, entrances would be well lit, have security cameras and metal detectors and be supervised by armed security. All vendor booths, food service, beverage service areas, commercial kitchen areas, product delivery areas, and ATMs will have video surveillance. No cash or cannabis would be stored on-site between these weekend events and cash transfers would be made frequently throughout the day. The venue would be sound-proofed and the HVAC exhaust vents will be scrubbed to eliminate any odors. All venue participants will have access to free taxi or Uber transportation when they leave.

STRATEGIC PLAN

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three (3) years. The completion of development agreements for cannabis activities such as dispensaries is a specific objective. It is consistent with the established General Plan goal to Achieve and Maintain Financial Stability and Sustainability as part of the City's Vision "To be recognized as a premier community where individuals, families and businesses thrive in a safe and beautiful environment."

FINANCIAL IMPACT

Unknown at this time.

ATTACHMENTS

None.