

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D3) Cal Campbell

Council/Authority Members:

District 1 Luis Uribe

District 2 Rachel Hernandez

District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Hybrid Meetings
(Virtual via ZOOM)**

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



AGENDA

TUESDAY, AUGUST 23, 2022 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES. WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

6. 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.*

7. PRESENTATIONS (Informational only)

Item 7.1 **Proclamation “100 Years of Action”-** Celebrating 100 years of the city’s incorporation date on August 23, 1922.

Item 7.2 **Proclamation & presentation: Overdose Awareness Day-** City Council to present proclamation & receive a short presentation from Christie Hoffman (lost her son Connor to a fentanyl overdose and poisoning on 5/28/21).

Item 7.3 **Homeless Action Plan -** City Council to receive a presentation from Stanislaus Homeless Alliance Chairperson Brad Hawn on the Homeless Action Plan; no action is requested at this time.

Item 7.4 **Cheese & Wine Festival-** City Council to receive a presentation from Tamara Spade from Simply Divine Events on updates and changes for the upcoming Cheese & Wine Festival in October.

Item 7.5 **Drone First Responder Program Presentation-** City Council to receive presentation from Sergeant Craig Osmonson with Stanislaus County Sheriff's Department.

Item 7.6 **YAFT (Young Adults Fighting Tobacco) Presentation-** City Council to receive a presentation from Chelsea King with California Health Collaborative.

8. 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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

9. 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 9.1 Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 9.2 Approval of the July 26, 2022 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 Adopt a Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361- Allowing the City to Continue a Hybrid Virtual Meeting Environment.

Item 9.4 Authorization for Out of State Travel Request to have Finance Staff Attend the Caselle Annual Conference in Salt Lake City, UT

Item 9.5 Acceptance of the Pavement Restoration and Valley Gutter Project and Authorization to File a Notice of Completion

Item 9.6 Final Parcel Map 08-2021 for Celerino Jimenez Family. The Property located at 3837 and 3843 California Avenue

Item 9.7 Second Reading by Title Only and Adoption of Ordinance 2022-004 Approving General Plan Amendment to modify the existing Low Density Residential (LDR) land-use designation to High Density Residential (HDR) and to rezone the existing Single Family Residential (R-1) site to Planned Development (PD) for a proposed 40-unit senior apartment complex on 2.01 acres. The subject site is 3318 Pocket Avenue

10. PUBLIC HEARINGS

No Public hearings Scheduled

11. NEW BUSINESS

Item 11.1 **Resolution Authorizing an Animal Control Services Agreement with the City of Oakdale to Provide Animal Control Services in the City of Riverbank-** It is recommended that the City Council consider adopting a Resolution authorizing the City Manager to execute the Animal Control Services Agreement with the City of Oakdale.

Item 11.2 **Consider by Minute Order the Approval of the City's Formal Response to Findings and Recommendations from the 2021-2022 Stanislaus County Civil Grand Jury Homelessness: The Elusive Definition of "Success" Report (Case #22-05GJ)-** It is recommended that the City Council consider approving by minute order the City's formal response to the Stanislaus Civil Grand Jury Report for Case #22-05GJ).

Item 11.3 **Workshop – American Rescue Plan Act-** It is recommended that the City Council consider the workshop information provided by staff on the American Rescue Act and provide direction to staff and/or reach consensus as appropriate regarding the allocation of American Rescue Act funding that has been received by the City of Riverbank in 2022.

Item 11.4 **Designation of New Voting Delegate and Alternate(s) to Attend the 2022 League of California Cities Annual Conference-** It is recommended that City Council designate Vice Mayor Cal Campbell as the Primary Voting Delegate and vote on an alternate delegate.

12. 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/LRA Board during this time.

Item 12.1 Staff

Item 12.2 Council/Authority Member

Item 12.3 Mayor/Chair

13. CLOSED SESSION

Item 13.1 **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code § 54957.6)
Agency Representative: Marisela H. Garcia, City Manager
Unrepresented Employee: Parks & Recreation Director

Item 13.2 **PUBLIC EMPLOYMENT**
(Pursuant to Government Code § 54957)
Title: Public Works Director

14. ADJOURNMENT

- The next regular City Council meeting will be on September 13, 2022 at 6:00 p.m.

AFFIDAVIT OF POSTING
I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North and South City Hall and The Riverbank Community Center public exterior bulletin boards, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this August 18th, 2022 <i>/s/ Gabriela Hernandez, City Clerk</i>



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

*Written comments must be received **before 4:00 p.m.** on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk’s Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.*

ACCEPTABLE METHODS OF SUBMITTING COMMENTS **BEFORE THE 4:00 PM DEADLINE**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org **(Note: This technology is not a guaranteed method.)**
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 /209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium. (A Spanish language interpreter is available for assistance.)
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - **Using a computer** – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - **Using a Phone** – press ***9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number **(209) 863-7151** so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/88559827216>

- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 88559827216**
- Join by telephone: **1 669 900 9128 or 1 719 359 4580, plus Webinar ID: 88559827216**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATIONS

Meeting Date:	August 23, 2022
Subject:	Proclamation "100 Years of Action" Celebrating the City's Centennial Celebration and 100 years since it's incorporation date on August 23, 1922.
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that the City Council read and commemorate with a proclamation the 100 years of establishment of the City, celebrating its Centennial.

SUMMARY:

On August 23, 1922 the City of Riverbank was incorporated and with it the slogan "The City of Action". The residents are proud of the city's 100-year Centennial Celebration. Today, marks this grandiose once in a lifetime commemoration in our City's history. Throughout this year 2022, the Centennial Committee organized several events in celebration of the year. This celebration came to a grand finale on Saturday, August 20, 2022. We remember our history and the beginnings of our settlement, which would 100 years later become a thriving, progressive, diverse and inclusive community in the heart of Stanislaus County, California.

FINANCIAL IMPACT:

There is no Financial Impact with this Report.

ATTACHMENTS:

Proclamation



**CITY OF RIVERBANK
PROCLAMATION
CENTENNIAL CELEBRATION
AUGUST 23, 2022
“100 YEARS OF ACTION”**



WHEREAS, the City of Riverbank was incorporated on August 23, 1922, with the slogan “The City of Action”; and

WHEREAS, the history of the area dates back to around the Civil War; and

WHEREAS, the name and the growth of Riverbank was triggered by the Santa Fe Railroad; after the railroad came through in the 1900s, it brought with its machine shops, road houses, and water towers; and

WHEREAS, by the 1940s and 1950s, the train would even be bringing in major Country Western Singers like Merle Haggard to perform at the local clubhouse; and

WHEREAS, The San Francisco and San Joaquin Railroad, built with Spreckles’ sugar empire money, barreled down the valley, headed for the area. By the time it crossed the Stanislaus River here, it was owned by the Atchison, Topeka, and Santa Fe Railroad, which also built a large rail yard, roundhouse and passenger depot here; and

WHEREAS, the steam engines of the time needed resupply stations close together, along with maintenance facilities; businesses and rooming houses for rail crews grew up quickly; and

WHEREAS, a request to the post office department for mail service here required a name for the settlement, and someone suggested “Wilbur”, after the right away agent for the railroad. The postal department said no- there was already a Wilbur in Colorado, and it didn’t want to add to the confusion.

WHEREAS, two names, Stanislaus and Riverbank, were then suggested and the simpler name won out. The new town was born and had a name....and it began to grow; and

WHEREAS, the railroad was one of the major reasons that people came to Riverbank, because it helped the city act as a central hub for Stanislaus, San Joaquin, and Merced Counties. By 1915, Riverbank had around 400 to 600 people, but today, that population is nearly 30, 000; and

WHEREAS, the city’s recent growth, lowering housing costs in the area, have made the city a become a hub for businesses such as; retail shopping, entertainment, leisure, parks and recreation, schools, and safety are only some of the essential components to attribute to the growth; and

WHEREAS, we are a progressive, diverse and inclusive growing community with a small-town love for one another. That is what makes Riverbank truly special, the warmth and care that our residents show to those live here and those who visit; and

WHEREAS, while many cities may find themselves along the river, only one city in the whole country is called Riverbank; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby unanimously proclaim August 23, 2022, as the Centennial Celebration “100 Years of Action” for the City of Riverbank.

Richard D. O’Brien
Mayor



RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.2

SECTION 7: PRESENTATIONS

Meeting Date:	August 23, 2022
Subject:	Proclamation and Presentation on Overdose Awareness Day
From:	Marisela Garcia, City Manager
Submitted by:	Donna Kenney, Planning & Building Manager

RECOMMENDATION

It is recommended that City Council to present a proclamation and receive a presentation on Overdose Awareness Day from Christine Hoffman.

BACKGROUND

Christie Hoffman, who lost her son Conner to a fentanyl overdose and poisoning on May 8, 2021, will give a PowerPoint presentation on Overdose Awareness, joined by Jennifer Marsh, the Coordinator of the Substance Use Education & Prevention Services & Friday Night Live, Stanislaus County Behavioral Health and Recovery Services.

ATTACHMENTS

1. Proclamation
2. Presentation



CITY OF RIVERBANK PROCLAMATION

PROCLAIMING AUGUST 31, 2022 AS OVERDOSE AWARENESS DAY IN THE CITY OF RIVERBANK

WHEREAS, the City of Riverbank City Council has recognized healthy communities as a priority; and

WHEREAS, the Riverbank City Council does affirm and acknowledge the harm and hardship caused by drug addiction, overdose and poisonings; and

WHEREAS, we recognize the purpose of Overdose Awareness Day as remembering loved ones lost to overdose and poisoning; and

WHEREAS, people with a substance use disorder recover if provided the necessary treatment services, and support in their communities; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from substance use disorder treatment services from seeking help; and

WHEREAS, greater public awareness about substance use disorder and death by overdose and poisonings can change attitudes and behaviors towards people with this illness and their families; and

WHEREAS, we acknowledge the grief felt by families and friends remembering those who have died or had a permanent injury as a result of a drug overdose and poisonings; and

WHEREAS, we recognize substance use disorder affects thousands of Stanislaus County and City of Riverbank residents; and

WHEREAS, we resolve to play our part in reducing the toll of addiction, overdoses and poisonings in our community, which claimed the lives of 176 Stanislaus County residents in 2021, with countless others affected forever; and

WHEREAS, we recognize the tragedy of death by overdose and poisonings is preventable.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby unanimously proclaim August 31, 2022, as Overdose Awareness Day in the City of Riverbank.

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO.7.3

SECTION 7: PRESENTATIONS

Meeting Date:	August 23, 2022
Subject:	Stanislaus Homeless Strategic Plan Implementation
From:	Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council receive a presentation from Brad Hawn, Chairperson of the Stanislaus Homeless Alliance regarding the implementation of the Stanislaus Homeless Strategic Plan.

SUMMARY

In the fall of 2020 the Stanislaus Homeless Alliance (SHA) and Stanislaus Community System of Care (CSOC) created a strategic plan workgroup whose members met to discuss the creation of a community wide plan to address homelessness. The result of this workgroup's efforts is the Stanislaus Homeless Strategic Plan.

The plan captures information on the current state of homelessness, current community concerns, gaps in homeless resources and housing, barriers to effectively addressing homelessness, and priorities for homeless assistance funding. This information was collected through an extensive feedback and information collection process where existing data, reports, and community feedback, received from a diverse group of stakeholders regarding gaps in homeless services and housing in the community, was obtained and reviewed.

Based on the feedback obtained, the community has identified eight goals targeted to address homelessness and respond to gaps in homelessness services and housing in Stanislaus, which are described in detail in the strategic plan.

Tonight Mr. Brad Hawn, Chairperson of the Stanislaus Homeless Alliance will provide a presentation on the Strategic Plan and its implementation.

STRATEGIC PLAN

This item is related to the City Council's Strategic Plan Objective to "Engage the community and non-profit partners in the development of programs, facilities, transitional housing and/or solutions for homeless services.

FINANCIAL IMPACT

There is no financial impact associated with this report.

ATTACHMENT

Presentation.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.4

SECTION 7: PRESENTATIONS

Meeting Date:	August 23, 2022
Subject:	2022 Cheese & Wine Festival Update
From:	Marisela H. Garcia, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council hear the update on the upcoming 2022 Cheese & Wine Festival.

SUMMARY

Tamra Spade with Simply Devine Events will give an update to the City Council on the plans for the 2022 Riverbank Cheese & Wine Festival.

BACKGROUND

On February 22, 2022, the City Council were presented with tentative plans for the 2022 Riverbank Cheese & Wine Festival by Tamra Spade with Simply Devine Events. On April 12, 2022 a performance agreement and lease of city streets to Simply Devine Events was approved by the City Council for coordination of this year's festival.

The Riverbank Cheese & Wine Festival will be held on October 8th and 9th, 2022. The set up for this event will begin on Friday October 7th at noon. The wine tasting component of the event will be held at the community center this year.

STRATEGIC PLAN

This item is relevant to the City Strategic Plan by ***Enhancing the Quality of Life through Recreation and Community Events.***

FINANCIAL IMPACT

There is no financial impact to this report.

ATTACHMENTS

Presentation.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.5

SECTION: 7

Meeting Date:	August 23, 2022
Subject:	Presentation – Drone First Responder Program – Presentation by Sgt. Craig Osmonson, Sheriff's Department.
From:	Marisela H. Garcia, City Manager
Submitted by:	Ed Ridenour, Police Chief

RECOMMENDATION

It is recommended that the City Council receive a presentation from Sgt. Osmonson who oversees the Sheriff's Drone Unit. The Sheriff's Drone Unit would like to use Riverbank for a demonstration of a Drone First Responder program, utilizing Motorola Solutions CAPE software.

SUMMARY:

The Sheriff's Drone Unit has requested a 30-day demonstration of a Drone First Responder Program, utilizing Motorola Solutions CAPE software. This program is being utilized in other public safety jurisdictions, one of which is Chula Vista PD. The concept is that a drone can respond to a call for service prior to a public safety officer arriving, providing real-time updates, overwatch, and even the ability to close the call out without having a person respond. Utilizing the software, the drone is flown from one central location by a person who monitors the video feed and then in turn provides updates to units on the ground.

Motorola Solutions has offered a 30-day demonstration of their Drone First Responder for the Sheriff's Drone Unit. Riverbank was chosen as a test location due to the geographical size of the city and how the PD is generally centrally located within the city. The demonstration will be conducted a few days a week and only for a few hours at a time over a 30-day trial starting September 1, 2022.

Our hope is that this demonstration will provide another valuable and innovative tool to keep our community safe utilizing technology.

FINANCIAL IMPACT

There is no financial impact with the report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.6

SECTION 7: PRESENTATIONS

Meeting Date:	August 23, 2022
Subject:	Presentation by the Young Adults Fighting Tobacco (YAFT) Coalition on Tobacco Waste 101
From:	Marisela H. Garcia, City Manager

RECOMMENDATION

Council to receive a presentation regarding Tobacco Waste 101 from Young Adults Fighting Tobacco (YAFT).

SUMMARY

In May 2022, the YAFT Coalition performed a tobacco waste cleanup in the City of Riverbank. Tonight, Chelsey King, President of YAFT, will be providing a presentation to Council regarding Tobacco Waste.

STRATEGIC PLAN

This item is directly related to the City Council's Strategic Plan Objective to "Promote a healthy community."

FINANCIAL IMPACT

There is no financial impact associated with this item.

ATTACHMENTS

1. Presentation

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	August 23, 2022
Subject:	Waiver of Readings
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

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. 9.2

SECTION 9: CONSENT CALENDAR

Meeting Date:	August 23, 2022
Subject:	Approval of the July 26, 2022 City Council and Local Redevelopment Authority Board Minutes
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the City Council/ Local Redevelopment Authority Board approve the City Council/LRA Meeting Minutes of July 26, 2022, as presented.

SUMMARY

The Draft Minutes of the 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.

ATTACHMENTS

1. The July 26, 2022 City Council and Local Redevelopment Authority Board Minutes.

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/Chair (CM-D3) Cal Campbell
Council/Authority Members:
District 1 Luis Uribe
District 2 Rachel Hernandez
District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Hybrid Meetings**

(Virtual via ZOOM)

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, JULY 26, 2022 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

1. CALL TO ORDER - Mayor / Chair Richard D. O'Brien called the meeting to order at 6:00 p.m.

2. FLAG SALUTE - Mayor / Chair Richard D. O'Brien led the pledge of allegiance.

3. INVOCATION – Reverend Randy Richardson provided the invocation.

4. ROLL CALL

Members of the City Council / Local Redevelopment Authority Board present in the Chamber:

Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 2 Rachel Hernandez
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair (CM-D03) Cal Campbell
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES – There were no changes to the agenda.

6. 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.

7. PRESENTATIONS (Informational only)

Item 7.1 **Environmental Justice Project-** City Council to receive a final presentation from CivicSpark Fellow Zoe Jonick on what has been accomplished over this last year and a recommendation for the future.

City Council received a Power Point presentation from Zoe Jonick with Civic Spark.

8. 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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.*

Mayor O'Brien stated the Public Comment would be limited to a total of nine minutes per topic wishing to be discussed on any item not on the agenda.

Public Comment Opened at 6:28 p.m.

Individuals who Spoke in opposition of the River Walk Project

*Bernard Aggers
Dan Wetstone
Karen Conrotto*

Individuals who Spoke in opposition of Tiny Homes

*Kevin
Cliff Nagel
Gerald Schneider*

Annabel Gammon made public comment on the Environmental Justice Presentation.

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:48 p.m.

9. 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 9.1** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.
- Item 9.2** Approval of the June 28, 2022 City Council and Local Redevelopment Authority Board Minutes.
- Item 9.3** **Resolution 2022-100** Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment.
- Item 9.4** **Resolution 2022-101** Awarding Bid for the Parks Landscaping Maintenance Contract to Grover Landscaping, Inc.
- Item 9.5** **Resolution 2022-102** Authorizing the Amendment of the City of Riverbank Compensation Plan to Reflect the New Salary Range for the Human Resources Analyst Position from Range 128 to Range 146.

Item 9.6 **Resolution 2022-103** Authorizing an Additional Appropriation of \$16,675 from the Community Facilities District (CFD) to Purchase New Kubota Compact Track Loader to Maintain Storm Drain Basins.

Item 9.7 **Resolution 2022-104** Awarding a Contract for Executive Recruitment Services to Mosaic Public Partners for the Recruitment of an Assistant City Manager and Public Works Director, Authorizing the City Manager to Finalize & Execute said Contract, and Allocate \$50,000 from the General Fund Reserve.

ACTION: *By motion moved and seconded (Barber-Martinez/Uribe- 5/0)*

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

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

NAYS: None / ABSENT: None / ABSTAINED: None

10. PUBLIC HEARINGS

Item 10.1 **General Plan Amendment 01-2021 and Rezone 02-2021 (Dept. File #21-0024) – Pocket Avenue Senior Apartment Complex – 3318 Pocket Avenue (APN 075-090-063).** The applicant requests a General Plan Amendment to modify the existing Low Density Residential (LDR) land-use designation to High Density Residential (HDR) and to rezone the existing Single Family Residential (R-1) site to Planned Development (PD) for a proposed 40-unit senior apartment complex on 2.01 acres. The subject site is 3318 Pocket Avenue. Pursuant to the California Environmental Quality Act, the proposed Project is exempt pursuant to CEQA Guidelines Section 21159.21 (a-j) **Exemption for Qualified Housing Projects** – It is recommended that the City Council listen to the presentation, take public comment, and consider approving the Ordinance and Resolution (Attachments 1 and 2) for the Pocket Avenue Senior Housing Project General Plan Amendment and Rezone.

Planning & Building Manager Kenney presented a comprehensive staff report and Power Point Presentation recommending City Council to consider and adopt the Resolution and Ordinance for the Pocket Avenue Housing Project General Plan Amendment and Rezone.

City Council discussed the item with staff.

Mayor O'Brien opened Public Comment at 7:00p.m.

John Keller, spoke as a representative on behalf of the group of residents in attendance opposing the Pocket Avenue Senior Housing Project. Mr. Keller stated several points as to the opposition of this project.

Jeff Fraga resident spoke in opposition of the project.

Ann Ditko resident spoke in opposition of the project.

Randy Brekke with Brekke Real Estate representing the applicant MK Capital Group who are developing this project. Spoke on the suitability of the site for this project.

There being no public comments, Mayor O'Brien closed Public Comment at 7:28 p.m. brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe/ Hernandez-5/0) to adopt **City Council Resolution 2022-105 and Ordinance 2022-004** to adopt and approve the General Plan Amendment 01-2021 and Rezone 02-2021 (Dept. File #21-0024)- Pocket Avenue Senior Apartment Complex*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

11. NEW BUSINESS

Item 11.1 **Authorize the City Manager to execute task order authorization to the City's On-Call Utility Engineer for preparation of an updated water master plan-**It is recommended that the City Council authorize the City Manager to execute a task order authorization to the City's on-call Utility Engineer Kjeldsen, Sinnock & Neudeck, Inc. (KSN) to prepare an updated water master plan for the City.

Public Works Director Riddell presented a comprehensive staff report recommending City Council approve the City Manager to execute task order authorization to the City's On-Call Utility Engineer for preparation of an updated water master plan.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe/ Barber-Martinez-5/0) to authorize the City Manager to execute a task order authorization to the City's on-call Utility Engineer Kjeldsen, Sinnock & Neudeck, Inc. (KSN) to prepare an updated water master plan for the City.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 11.2 **Designation of a Voting Delegate and Alternate(s) to Attend the 2022, League of California Cities Annual Conference –** It is recommended that City Council designate Members of the Council as the Voting Delegate, plus one or two alternates. They will attend the 2022 League of California Cities Annual Conference and Expo, to be held in Long Beach on September 7 – 9, 2022, and to participate in the Annual Business Meeting for the consideration of resolutions that establish Cal Cities policy. The City Council is to ratify the designations by roll call vote.

City Manager Garcia presented a comprehensive staff report on the Designation of a Voting Delegate and Alternate(s) to Attend the 2022, League of California Cities Annual Conference

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe/ Campbell-5/0) to designate Mayor Richard D. O'Brien as the Primary Voting Delegate for the League of California Cities Annual Conference and Vice Mayor Cal Campbell as the Alternate.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

12. 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/LRA Board during this time.

Item 12.1 Staff

City Manager Garcia advised the City Council and the public on the following:

- Turf Replacement Program is in effect with limited funds, the City has received several applications. We are still accepting applications in the event those applications fall through. We do require an application that is available online, then it requires an inspection.*
- Thank you to Kathleen and Laura for working so diligently on the Sante Fe Street Overlay project. The goal was to have this project completed before the beginning of the School year.*
- Save the date for Saturday, August 20th for the Final Centennial Celebration Event. It will consist of two parts of the day with a morning event which include the mural unveiling and an evening event. All the details are being finalized with the Committee.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- Thank you to the residents from District 2 who came out to voice their concerns.*
- Invited to be a speaker by World Relief who hosted a summer camp for Refugees in our area, they wanted to hear about City Council.*

- *Would like to invite everyone to start the conversation on Love Riverbank and would like to start forming a committee to steer a successful Love Riverbank in 2023.*

Councilmember Uribe reported on the following:

- *Will be attending the Stanislaus County Disaster Council and the OAC this Thursday at 1 :00 p.m. as the alternate.*
- *Will be taking a tour of the old cannery site, with Aeriz site manager and City Staff.*

Councilmember Barber-Martinez reported on the following:

- *County Tier Team to provide services with the homeless, we are planning an event to host here in Riverbank, more details to come.*
- *Thank you, many times over, to our community, Riverbank Police Services, Central Valley Community Resources, and those that provided donations to our annual Kids Health and Safety fair and Bike Rodeo. We received 21 bikes, we were able to give to the community and we had very many happy kids. We handed out Backpacks with prizes, water bottles, and raffles.*
- *Attended the meeting for new and improved Bus Transportation here in Riverbank. More information coming, regarding the underserved areas with more routes and bus services here in Riverbank.*
- *Listened to the Stanislaus County Board of Supervisors meeting regarding the approval agreement for acquisition of property for the north county corridor project.*

Vice Mayor Campbell reported on the following:

- *Would like to remind everyone that we are still in a drought and to conserve your water. Also, remember to take care of those dry spots around your house, because these fires pop up everywhere and we don't want to see any fires started.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *Appreciate the turnout on the Tiny Homes and the Pocket Avenue Projects. We should not be afraid to help those in need, we are not giving a handout, we are giving a hand up.*
- *General Plan Review will be out, it will address the water situation, Environmental Justice, and it will capture some of the plan that improves the quality*

- *Would like to have a discussion to see Spanish interpretation provided for all of the City's written work.*

13. CLOSED SESSION

The public will have a limit of **3 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.

14. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:02 p.m. to the next regular scheduled City Council / LRA Meeting of August 23, 2022.

ATTEST: (Adopted 07/26/2022)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date:	August 23, 2022
Subject:	Adopt a Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment
From:	Tom Hallinan, City Attorney
Submitted by:	Tom Hallinan, City Attorney

RECOMMENDATION

Staff recommends Council adopt a Resolution authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Virtual Meeting Environment.

SUMMARY

NOTE: This report is generally the same staff report presented at the January 25, 2022 Council meeting. As the resolution only extends the allowance for teleconferenced meetings for a 30-day period it is necessary to re-agendize this item for approval.

On September 16, 2021 Governor Newsom signed Assembly Bill ("AB") 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Ralph M. Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Orders temporarily suspending provisions of the Brown Act. On September 20, 2021, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021. Over the past year, City Council meetings have been held with virtual teleconference components.

AB 361, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act when a local legislative body holds a meeting during a declared state of emergency by the governor and when state of local health officials have imposed or recommended measures to promote social distancing.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature has taken action to extend the COVID-19 exceptions to the Brown Acts' teleconference requirements, subject to some additional safeguards. AB 361 allows a local agency to use teleconferencing without complying with the Brown Act provisions in any of the following circumstances:

- The local legislative body holds a meeting during a proclaimed state of emergency by the governor, and state or local officials have imposed or recommended measures to promote social distancing.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to do all of the following, in addition to giving notice of the meeting and posting agendas as required under the Brown act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a

service disruption can be challenged under the Brown Act's existing challenge provisions).

- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

AB 361 also provides that if a local agency conducts teleconference meetings in reliance on AB 361, the local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

The goal of AB 361 is "to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options" consistent with Executive Order N-29-20. AB 361 contains an urgency clause which became effective upon signing with a sunset of January 1, 2024. However, shortly after signing AB 361, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021.

At the October 12th City Council meeting, Council considered whether or not to continue with the hybrid meeting format. During that meeting difficulties were experienced in receiving a specific comment on an agenda item. As such, the Council chose to only extend the hybrid meeting allowance for 2 weeks to determine alternate options for accepting comments or dealing with technical issues. **At the October 26, 2021 Council meeting staff gave out the phone number at the dais for any member of the public that had technical issues providing comment by zoom. Two comments were received via this method, if this resolution is approved staff will continue with this measure until it is no longer needed.** Staff is currently in the process of soliciting bids for technological upgrades to the Council Chamber technology setup which will provide improved ability for hybrid and streamed meetings.

Alternatively, the Council could choose to no longer allow hybrid meetings in which case Councilmembers would attend in person or would have to follow the original Brown Act requirements for a remote meeting (public posting etc.). Some local communities still live stream meetings but do not allow remote public comment as an option.

If the Resolution is adopted the City Council will continue to hold in person meetings with a virtual hybrid component. The City Council will revisit the need to conduct

meetings remotely within 30 days of the adoption of this Resolution, it is staff's intention to reevaluate options for hybrid meetings during that time period for future Council consideration.

FINANCIAL IMPACT

None at this time.

ATTACHMENTS

1. Draft City Council Resolution 2022-
2. Letter from Stanislaus County Public Health Officer
Re: Social Distancing Recommendation

CITY OF RIVERBANK

RESOLUTION 2022-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES
OF THE CITY OF RIVERBANK PURSUANT TO ASSEMBLY BILL 361 AND
BROWN ACT PROVISIONS**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE
“CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, the City Council of the City of Riverbank (the “City”) is committed to preserving public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the City’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill (“AB”) 361, amending Government Code section 54953, subdivision (e) to allow for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for remote teleconferencing participation in meetings by members of a legislative body is that a state of emergency is declared by the Governor, pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS, the Stanislaus County Public Health Officer issued an order on September 2, 2021 regarding the highly transmissible Delta Variant and recommending face coverings indoors; and

WHEREAS, there has been a significant increase in COVID-19 cases in Stanislaus County due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and can be spread by fully vaccinated individuals; and

WHEREAS, as a consequence of the declared emergency, the City Council does hereby find that the legislative body of the City shall conduct their meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by Section 54953, subdivision (e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Section 54953, subdivision (e)(2); and

WHEREAS, pursuant to Government Code section 54953, subdivision (e)(3), in order to continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3), the City Council shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote: The legislative body has reconsidered the circumstances of the state of emergency and any of the following conditions exist: (1) the state of emergency continues to directly impact the ability of the members to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City reserves the option to hold in-person meetings, consistent with local health officer directives, or to continue a practice of remote meetings that still allow multiple options for public participation.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The City Council hereby proclaims that a local emergency exists throughout the City, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of COVID-19 in Stanislaus County and the state, such that the City reserves the right to continue virtual meetings or conduct in-person meetings, consistent with local health guidance or duly issued orders.

Section 3. Remote Teleconference Meetings. The legislative body and designees of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021, or (ii) such time the City Council makes a subsequent finding by majority vote in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of August, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of 5/0:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.4

SECTION 9: CONSENT

Meeting Date:	August 23, 2022
Subject:	Authorization for Out of State Travel Request to have Finance Staff Attend the Caselle Annual Conference in Salt Lake City, UT
From:	Marisela H. Garcia, City Manager
Submitted by:	Tammy Alcantor, Assistant Finance Director

RECOMMENDATION

It is recommended that the City Council consider giving authorization for an out-of-state travel request for Tammy Alcantor, Assistant Finance Director, and Judy Castanon, Account Clerk, to attend Caselle 2022 Annual Conference in Salt Lake City, UT on October 25 – 26, 2022.

SUMMARY

Caselle is the City's accounting software that is utilized for financial statements, accounts payable, payroll, utility billing, business license, and miscellaneous accounts receivables. The annual conference allows users the ability to learn best practices and is a cost-effective way to maximize work performance. In addition to the classes available there is the opportunity to participate in a variety of forums that allow staff to address some of our organization's current challenges and contribute to future Caselle product development. This will be the first time attending the conference for both staff members.

BACKGROUND

This training is valuable for members of the finance team, in past years other team members have attended the annual conference. This will be the first time attending the conference for both staff members.

STRATEGIC PLAN

Participation in this user conference will help support the Strategic Plan goals of:

1. Achieve and Maintain Financial Stability and Sustainability
2. Attract, Develop, and Retain Quality Staff

FINANCIAL IMPACT

The approximate costs are \$3,450 which includes hotel accommodations, airfare, per diem, and conference registration. With the approved 22-23 Budget there is sufficient funding in account 101-403.000-706-037.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT

AUTHORITY AGENDA ITEM NO. 9.5

SECTION 9: CONSENT

Meeting Date:	August 23, 2022
Subject:	Acceptance of the Pavement Restoration and Valley Gutter Project and Authorization to File a Notice of Completion
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Senior Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Pavement Restoration and Valley Gutter Project and authorize staff to file a Notice of Completion.

SUMMARY:

Sinclair General Engineering Construction, Inc. completed the construction of the Pavement Restoration and Valley Gutter Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on August 24, 2021 to Sinclair General Engineering Construction, Inc. in the amount of \$571,218.22. Eight contract change orders were issued for this project in the amount of \$22,808.65.

This project was funded by two separate funds, Measure L and SB-1:

Measure L - Type II Slurry Seal bid total:	\$403,107.77
Change Orders Total:	<u>6,796.85</u>
Total Amount for Measure L:	\$409,904.62
 SB1 Funds - Crack Seal bid total:	 \$ 56,624.40
Change Orders Total:	<u>\$ 7,826.80</u>
Total Amount for SB1:	\$ 64,451.20
 SB1 Funds - Valley Gutter at three locations bid total:	 \$111,486.05
Change Orders Total:	<u>\$ 8,185.00</u>
Total Amount for SB1:	\$119,671.05

It is recommended that the Council accept the Pavement Restoration and Valley Gutter Project as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

The total cost of construction is \$594,026.87. The total project was completed within budget which was programmed in the Measure L Funds and SB-1 Road Maintenance and Rehabilitation Funds.

Funding sources have been programmed for this project as follows:

- Measure L Funds - \$409,904.62
- SB-1 Road Maintenance and Rehabilitation Funds - \$184,122.25

ATTACHMENTS:

1. Notice of Completion
2. Photos
3. Site Map

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATECITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367SPACE ABOVE THIS LINE
FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.

2. The full name of the undersigned is City of Riverbank

(Print Full Name)

3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367

(Address, City, State, Zip)

4. The nature of the title of the undersigned is:

☒ Owner in Fee, or☐ Vendee (Buyer) under Contract of Purchase, or☐ Lessee, or☐ Other

If "Other," briefly list or describe appropriate designation or title _____

5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A7. A work of improvement on the property described below was completed on August 23, 2022

(Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 34809 • NOTICE OF COMPLETION (Civil Code Section 3093) • (Revised 12.03) • © Cowdery's 2005



8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") Sinclair General Engineering Construction Inc.

If notice covers completion of contract for only part of the work of improvement, check box and complete:

☐ The kind of work done or finished was removal of ADA curb returns, concrete Valley Gutters,
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
asphalt paving and the installation of ADA curb returns, Valley Gutters, asphalt paving,
striping, Type II Slurry Seal, Crack Seal, traffic control and all other work included on the plans

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:

Pavement Restoration and Valley Gutter Project 2021

(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is various streets in Riverbank, CA 95367
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 23rd day of August, 2022
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Senior Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California

on this 23rd day of August, 2022
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Senior Project Coordinator

This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

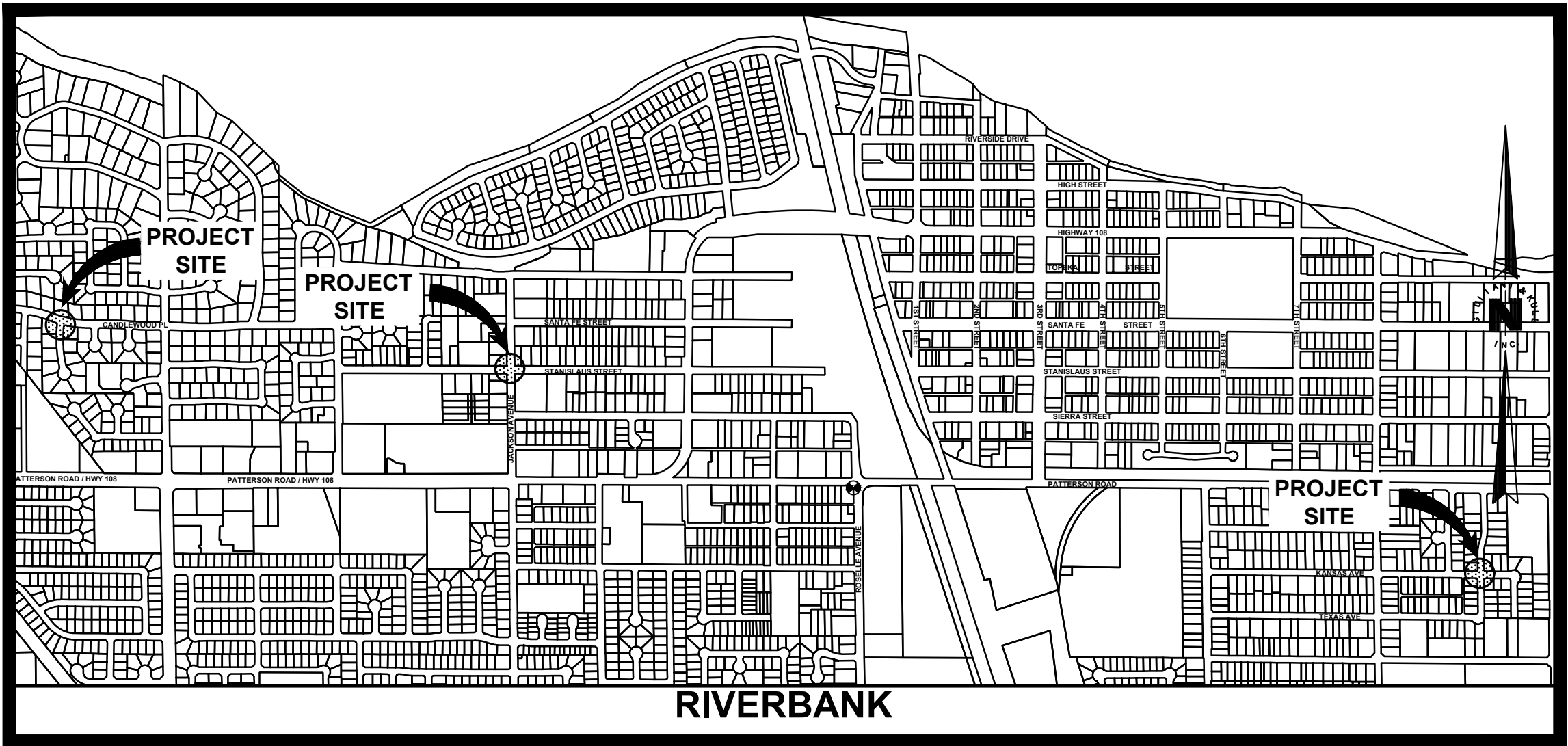
the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

Pavement Restoration and Valley Gutter Project 2021

During Construction

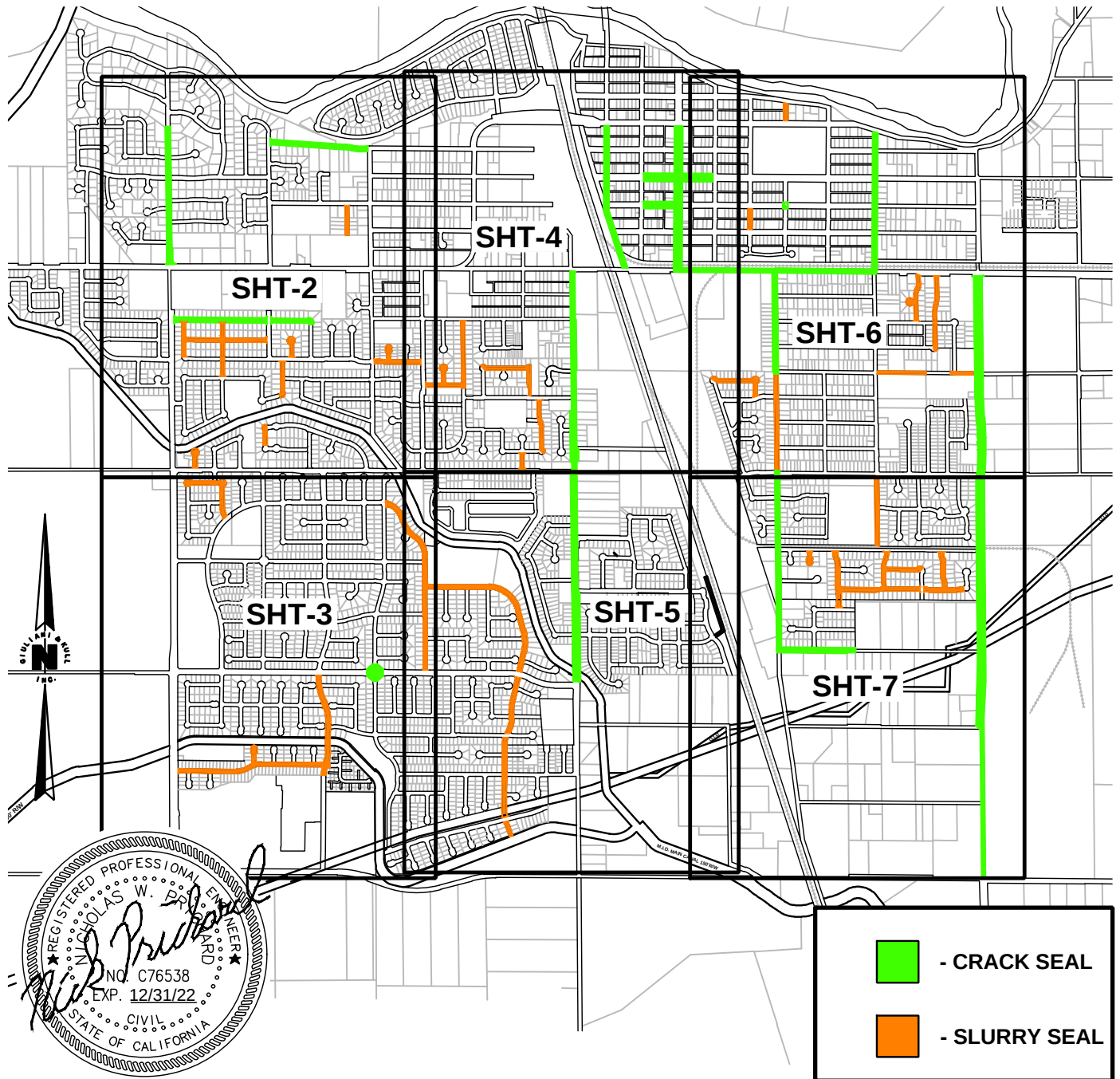




VICINITY MAP

NOT TO SCALE

CITY OF RIVERBANK PAVEMENT RESTORATION PROJECT 2021

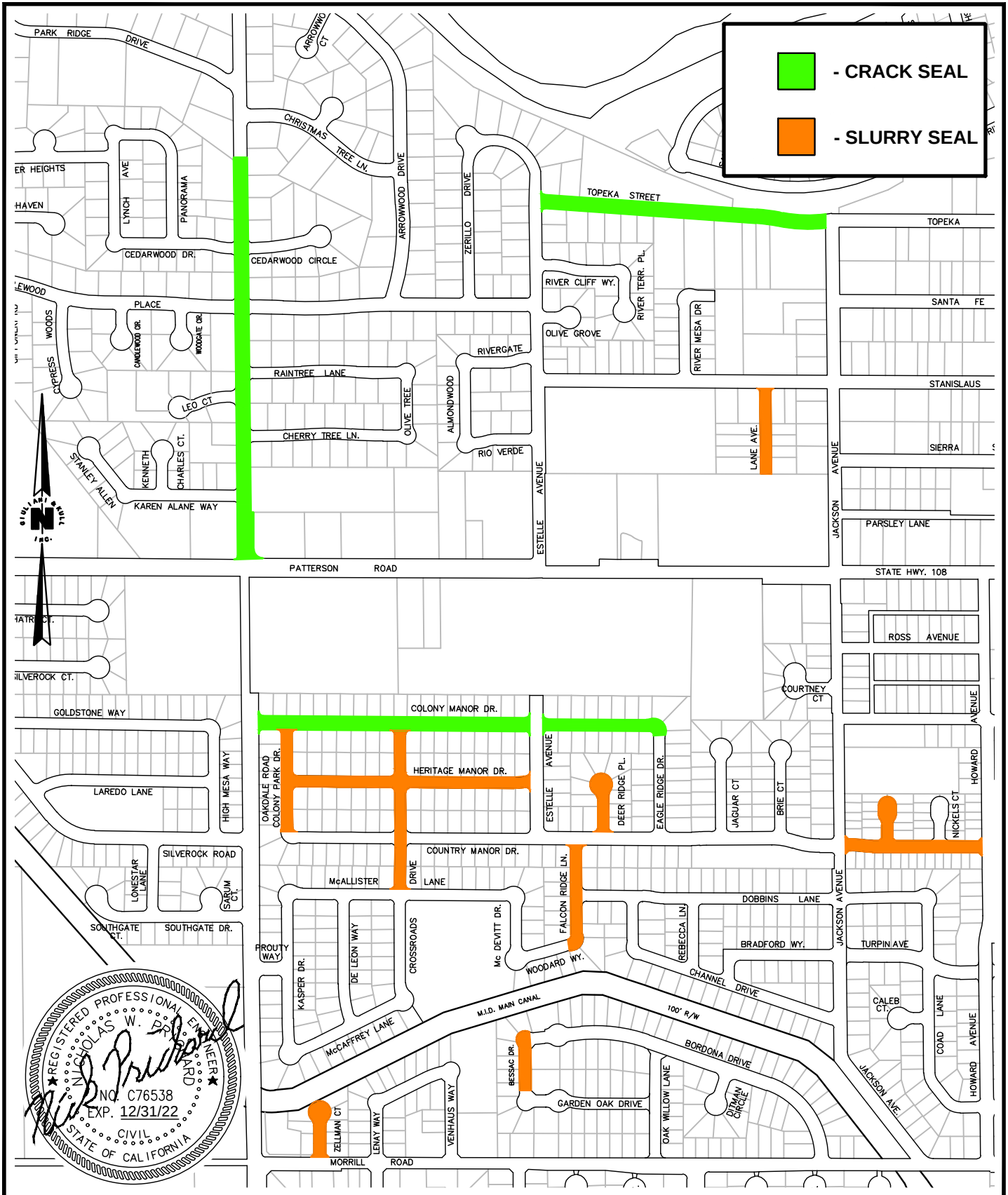


- CRACK SEAL
- SLURRY SEAL

GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • San Jose • Oakdale

SCALE	1" = 2000'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	21142
SHEET	1 OF 10

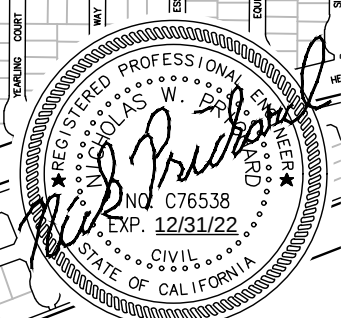
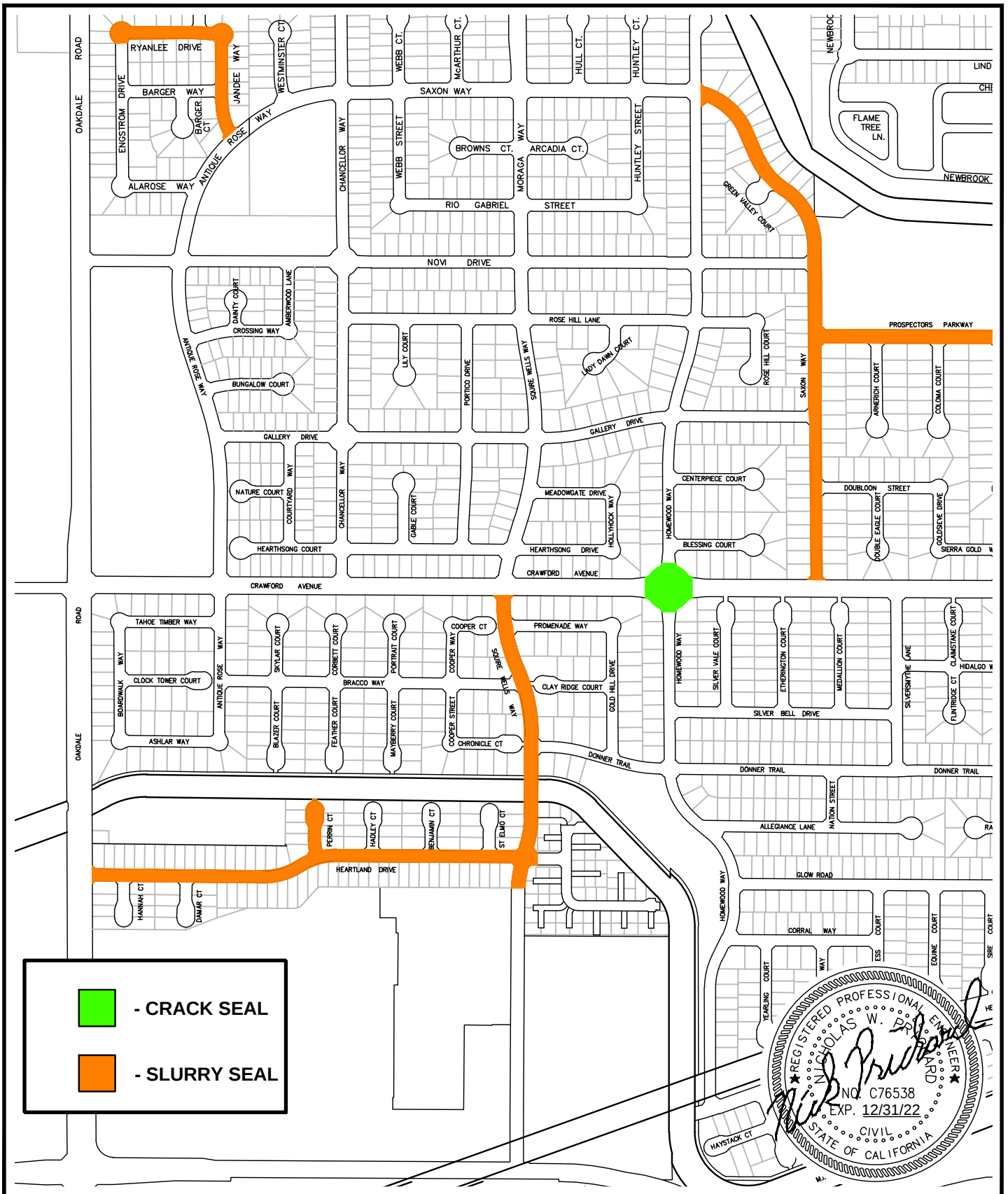
COVER SHEET - 2021
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • San Jose • Oakdale

SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	21142
SHEET	2 OF 10

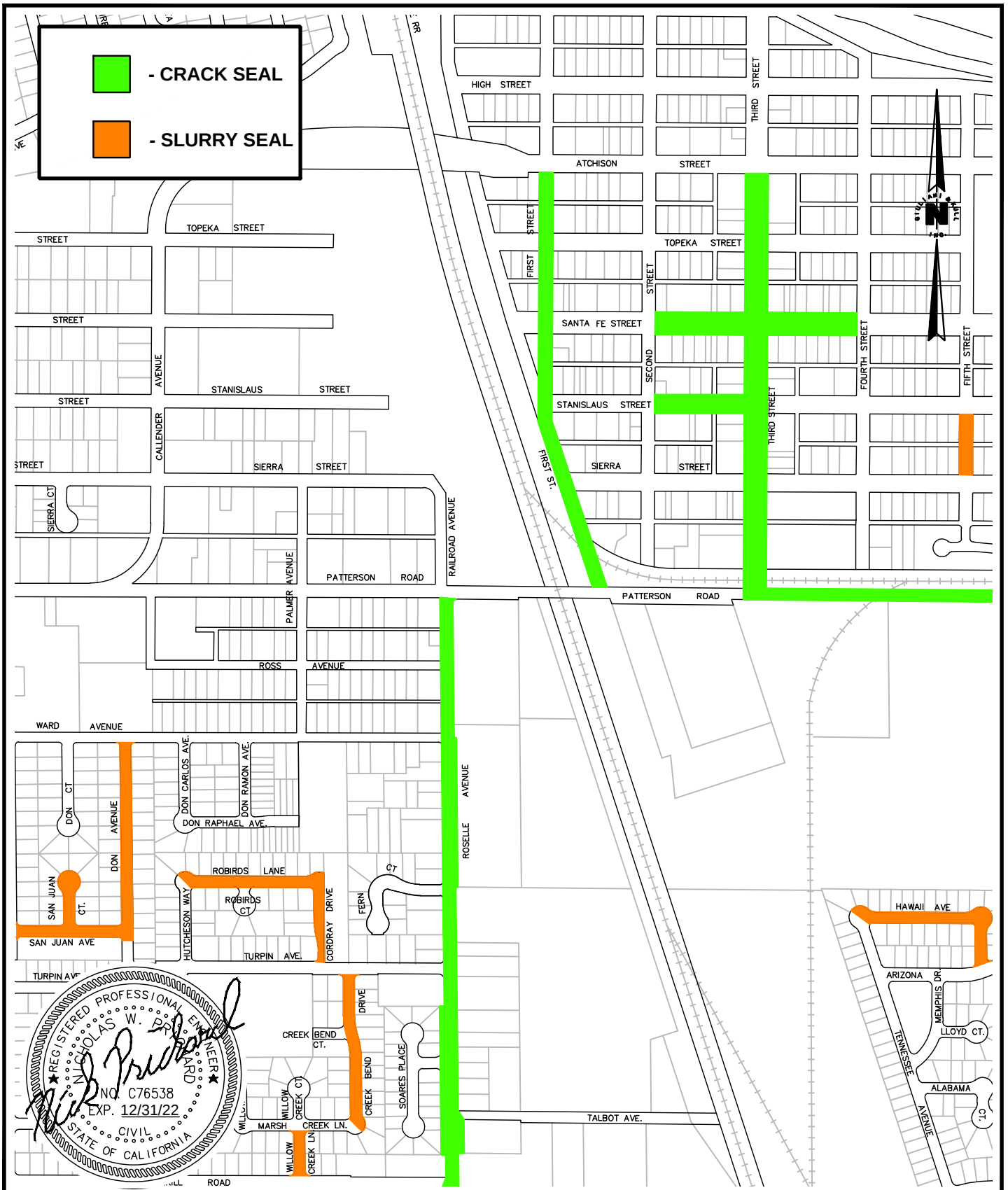
STREET INDEX - 2021
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



GK **Giuliani & Kull, Inc.**
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • San Jose • Oakdale

SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	21142
SHEET	3 OF 10

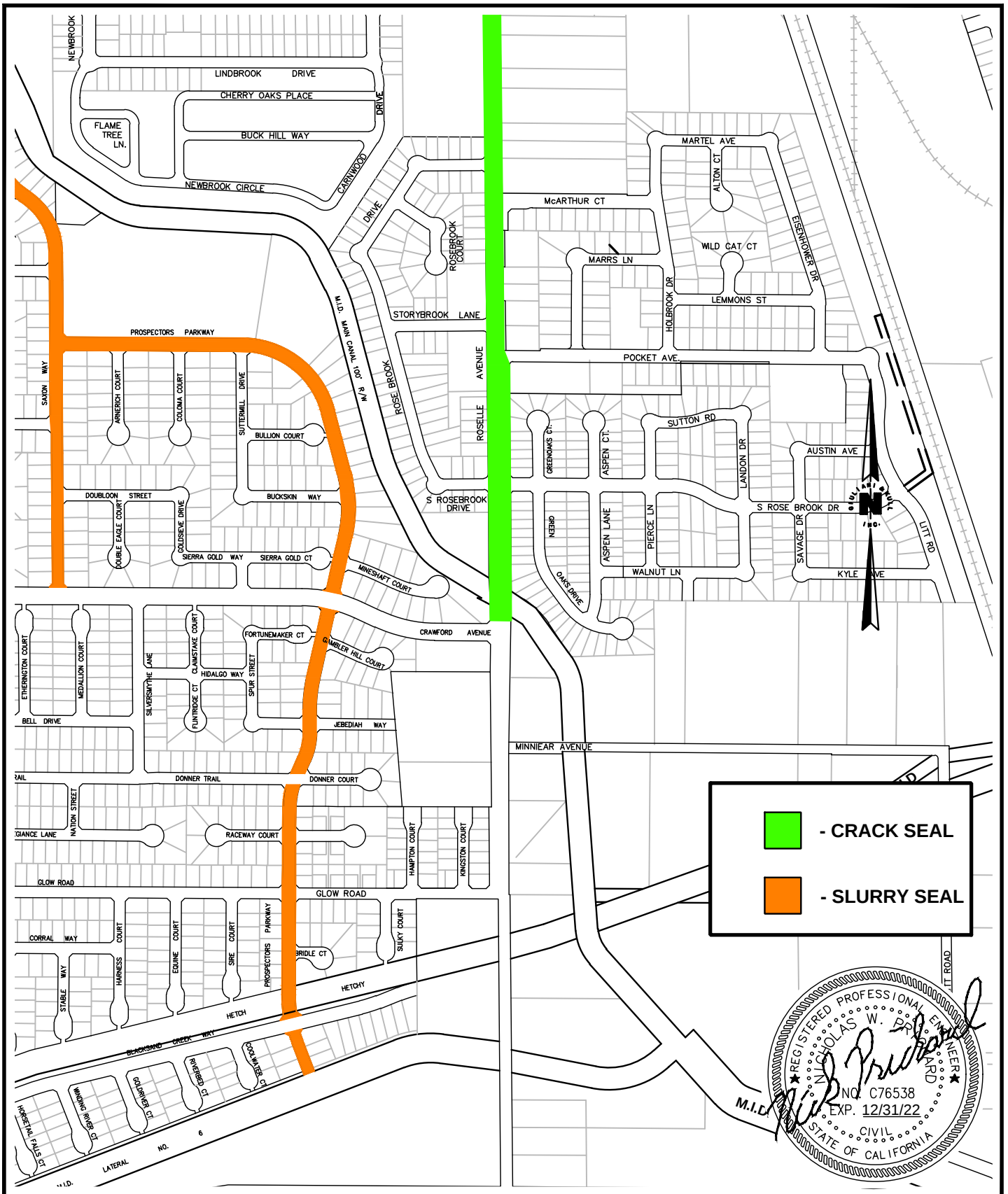
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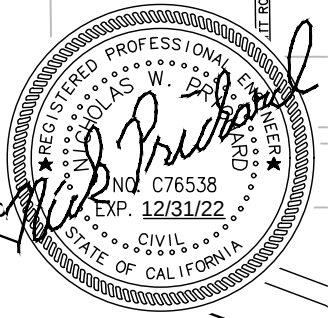
SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	21142
SHEET	4 OF 10

STREET INDEX - 2021
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



- CRACK SEAL

- SLURRY SEAL



Giuliani & Kull, Inc.

Engineers • Planners • Surveyors

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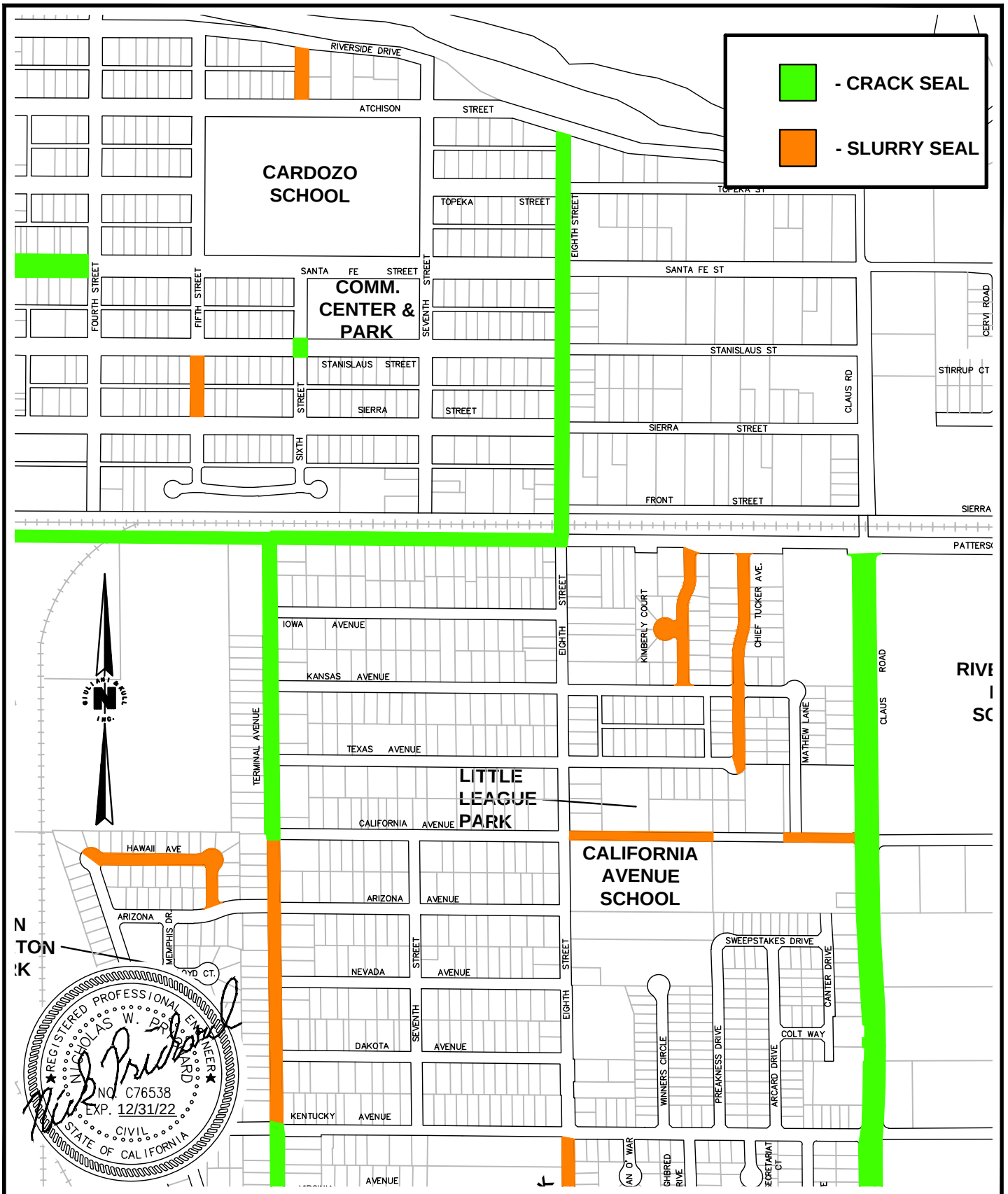
Auburn • San Jose • Oakdale

SCALE	1" = 600'
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CHECKED BY	WFK
JOB NO.	21142
SHEET	5 OF 10

STREET INDEX - 2021

PAVEMENT RESTORATION PROJECT

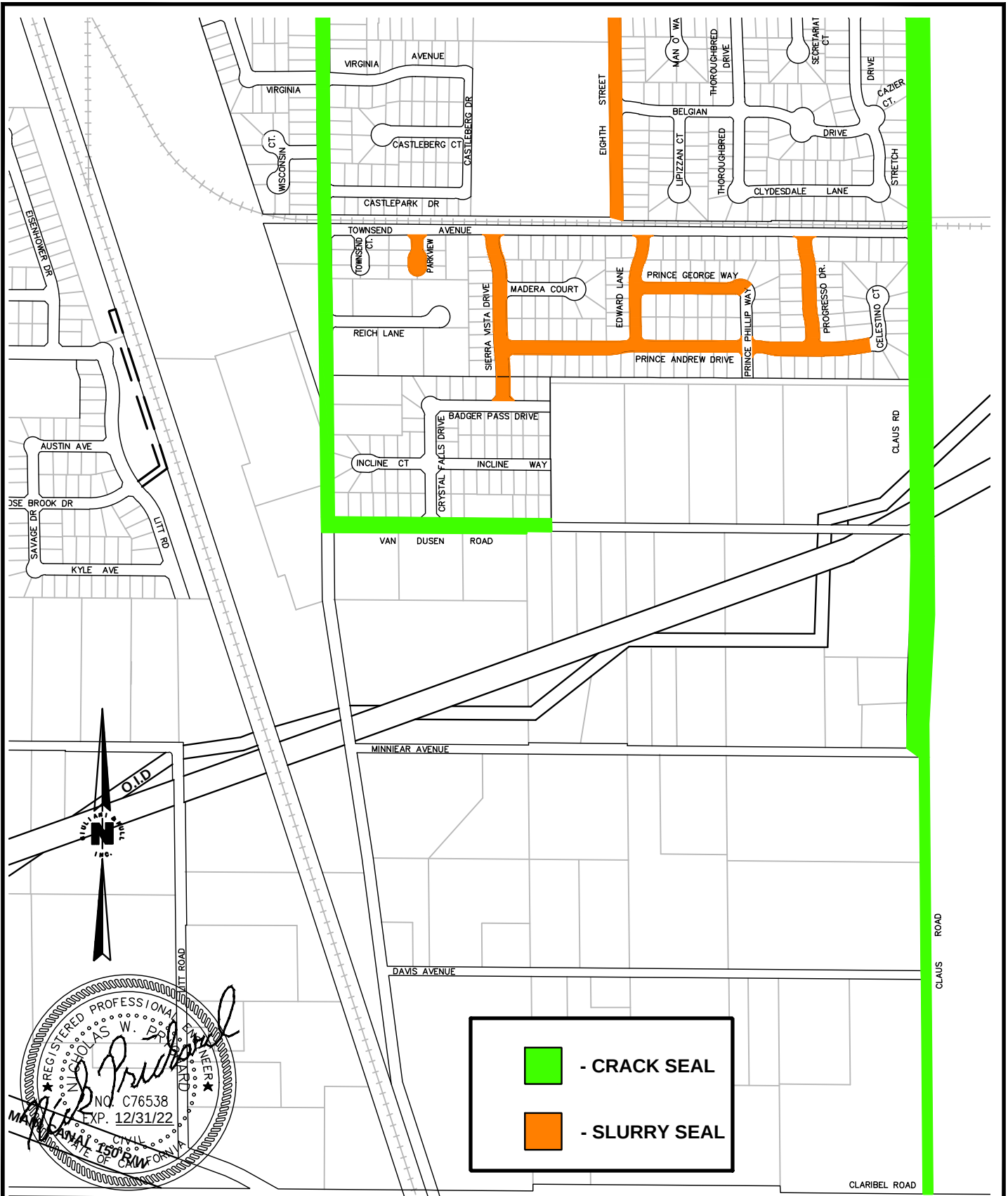
RIVERBANK, CALIFORNIA



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CHECKED BY	WFK
JOB NO.	21142
SHEET	6 OF 10

STREET INDEX - 2021
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	21142
SHEET	7 OF 10

STREET INDEX - 2021
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA

Type II Slurry Seal					
Section ID	Street Name	G&K-Length	G&K-Width	G&K-Area (ft ²)	G&K-Area (yd ²)
199-A	5th Street	285	40	12,000	1,333
206	6th Street	250	40	12,250	1,361
31-A	8th Street	930	36	34,730	3,859
708	Bessac Drive	220	36	7,340	816
116-A	California Street	615	38	23,150	2,572
116-B	California Street	260	28	8,000	889
100-A	Chief Tucker Avenue	600	34	21,200	2,356
1044-A	Colony Park Drive	460	34	15,875	1,764
1131-A	Creek Bend Drive	655	32	26,000	2,889
1047-A	Crossroads Drive	725	34	26,100	2,900
1153	Deer Ridge Court	260	38	12,155	1,351
1138-A	Don Avenue	875	34	26,750	2,972
1060-A	Falcon Ridge Lane	442	34	14,400	1,600
267	Hawaii Avenue	615	34	22,880	2,542
743-A	Heartland Drive	1,950	32	62,750	6,972
1067-A	Heritage Manor Drive	1,077	34	38,500	4,278
895-A	Jandee Way	500	32	14,610	1,623
100	Kimberly Court	80	40	6,275	697
966	Lane Avenue	400	38	15,730	1,748
268	Louisiana Avenue	185	34	7,750	861
56	Parkview Court	190	34	9,162	1,018

CONTINUED ON NEXT PAGE



CONSTRUCTION PROJECT FUNDING SIGN - MEASURE L
 SIX (6) 24"x36" ALUMINUM PANEL SIGNS ATTACHED TO A TYPE 2 BARRICADE SHALL BE SUPPLIED BY THE CONTRACTOR PER SPECIFICATION GUIDELINES. SIGNS SHALL BE PLACED AT THE DIRECTION OF THE CITY ENGINEER/INSPECTOR DURING TYPE II SLURRY WORK.
 COMPLETION DATE SHALL BE LEFT BLANK.

CONTINUED FROM PVIOUS PAGE

Type II Slurry Seal					
Section ID	Street Name	G&K-Length	G&K-Width	G&K-Area (ft ²)	G&K-Area (yd ²)
755	Perrin Court	230	32	9,650	1,072
72-A	Prince Andrew Drive	1,680	36	58,480	6,498
34-A	Prince Edward Lane	500	32	16,500	1,833
78	Prince George Lane	450	32	16,500	1,833
37	Prince Norman Way	500	36	18,000	2,000
821-A, 813-A,	Prospectors Parkway	4,330	40	170,300	18,922
1026-A	Robirds Lane	670	34	25,670	2,852
897-A	Ryanlee Drive	500	32	18,120	2,013
1030-A	San Juan Avenue	500	32	18,260	2,029
1134	San Juan Court	250	32	10,000	1,111
589-A, 590-A	Saxon Way	2,400	80	89,000	9,889
1080	Shaefer Court	200	32	8,385	932
58-A	Sierra Vista Drive	760	36	30,820	3,424
543-A	Squire Wells Way	1,330	40	52,500	5,833
90-A	Terminal Avenue	1,280	42	56,300	6,256
110-A	Tina Lane	600	32	26,740	2,971
1025	Wainwright Drive	340	34	12,270	1,363
1020	Willow Creek Lane	220	34	7,880	876
912	Zellman Court	250	32	10,148	1,128
TOTAL		28,564		1,073,130	119,237

Crack Seal		
Street Name	G&K-Length	G&K-Width
1st Street	1,910	40
3rd Street	1,660	75
6th Street & Stanislaus Street Intersection	60	60
8th Street	1,786	40
Claus Road	7,845	60
Colony Manor Drive	1,820	38
Crawford Road & Homewood Way Round-a-bout	500	20
Oakdale Road	1,716	38
Patterson Road	2,545	42
Roselle Avenue	5,380	52
Santa Fe Street	890	50
Stanislaus Street	400	60
Terminal Avenue	1,320	40
Terminal Avenue	2,245	32
Topeka Street	1,310	48
Van Dusen	975	30
	27,832	



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SCALE

N/A

DRAWN BY

NWP

CHECKED BY

WFK

JOB NO.

21142

SHEET

10 OF 10

STREET INDEX - 2021

PAVEMENT RESTORATION PROJECT

RIVERBANK, CALIFORNIA

RIVERBANK CITY COUNCIL / LOCAL RDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.6

SECTION 9: CONSENT

Meeting Date:	August 23, 2022
Subject/ Title:	Final Parcel Map 08-2021 for Celerino Jimenez Family
From:	Marisela H. Garcia, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

Approve the Final Parcel Map (“PM”) for the Jimenez family based on the required finding that the parcel map is in conformity with the provisions of subdivision law and city code.

BACKGROUND

This item is a request for the approval of Final Parcel Map 08-2021 to subdivide two (2) lots (under one APN: 132-046-076) totaling approximately 0.9 acres into four (4) residential lots: Parcel 1 (9,015 sf); Parcel 2 (10,583 sf); Parcel 3 (10,661 sf); and Parcel 4 (9,015 sf). Proposed Parcels 1 and 4 are undeveloped. Proposed Parcel 2 contains an existing residential unit, carport, and some accessory structures. Proposed Parcel 3 contains an existing residential unit, carport, and some accessory structures. The property is located at 3837 and 3843 California Avenue.

Lot sizes, widths, and depths can be found in the chart below. As can be seen, all four (4) lots meet the standards of the R-1 zoning district:

R-1 Zoned Parcels	Lot Size (minimum 6,000 sf)	Lot Width (minimum 55 ft)	Lot Depth (minimum 100 ft)
Parcel 1	9,015 sf	64.5 ft	139.8 ft
Parcel 2	10,583 sf	74.9 ft	139.8 ft
Parcel 3	10,661 sf	75.5 ft	139.8 ft
Parcel 4	10,661 sf	64.5 ft	139.8 ft

On April 20, 2021, the Planning Commission approved Tentative Parcel Map 03-2020. The General Plan designation is LDR (Low Density Residential) and is zoned R-1 (Single Family Residential). Pursuant to the California Environmental Quality Act, the Tentative Parcel Map met the conditions prescribed by CEQA Section 15315 (Class 15, Minor Land Divisions) for an exemption. Other than the parcel map, there is no development proposed at this time. Future development would occur under the building permit process. No Architecture and Site Plan Review is required for custom-built homes on single lots.

Pursuant to Riverbank Municipal Code Section §152.074 (C)(2), the City Council shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it is determined to be in conformity with the provisions of law and of this chapter. The Council shall disprove the map if it is determined not to be in conformity with the provisions of law and of this chapter and shall advise the subdivider of its disapproval, and the reason or reasons thereof.

The City Engineer and Planning and Building Manager have reviewed the final map (Exhibit A) and have determined that the plans are in substantial compliance with city standards and with the conditions placed upon the tentative map (Attachment 2).

FISCAL IMPACT

None.

ATTACHMENTS

1. Draft City Council Resolution 2022-XXX
Exhibit A - Final Map 08-2021
2. Jimenez Tentative Parcel Map 03-2020

CITY OF RIVERBANK

RESOLUTION 2022-

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIVERBANK, CALIFORNIA
APPROVING FINAL PARCEL MAP 08-2021 FOR CELERINO JIMENEZ FOR
3837 AND 3843 CALIFORNIA AVENUE (APN 132-046-076)**

THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:

WHEREAS, the Celerino Jimenez family is the property owner of 3837 and 3843 California Avenue, two existing (2) lots under one APN (132-046-076) and has submitted a request for a final parcel map; and

WHEREAS, all four (4) proposed lots meet the standards of the R-1 Single Family Residential zoning district and the Low Density Residential (LDR) category of 0-8 units per net acre; and

WHEREAS, on April 20, 2021, the Planning Commission approved Tentative Parcel Map No. 03-2020, to divide the two (2) existing lots into a total of four (4) lots; and

WHEREAS, the City Engineer and Planning and Building Manager have reviewed the final map and have determined that the plans are in substantial compliance with city standards and with the conditions placed upon the tentative parcel map; and

WHEREAS, pursuant to Riverbank Municipal Code Section §152.074 (C)(2), the City Council shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it is determined to be in conformity with the provisions of law and of this chapter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the City Engineer to record Final Map 08-2021 (“Exhibit A”) for the Jimenez family upon determination that the map is in conformity with the provisions of state law.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of August 2022; motioned by Councilmember _____, seconded by Councilmember _____ and upon roll call was carried by the following vote of _: _

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gaby Hernandez
City Clerk

Richard D. O'Brien
Mayor

OWNER’S STATEMENT:

WE HEREBY STATE THAT WE ARE ALL OF THE PARTIES HAVING ANY RECORD TITLE INTEREST IN THE SUBDIVIDED REAL PROPERTY SHOWN WITHIN THE DISTINCTIVE BORDERLINE ON THIS MAP, AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEDICATIONS AND OFFERS OF DEDICATION THEREIN.

AS OWNERS:
CELERINO JIMENEZ AND EDUVIGES JIMENEZ, HUSBAND AND WIFE AS JOINT TENANTS

CELERINO JIMENEZ
DATED _____

EDUVIGES JIMENEZ
DATED _____

JESUS JIMENEZ, A WIDOWER

JESUS JIMENEZ
DATED _____

AS BENEFICIARY:
PER DEED OF TRUST DATED APRIL 20, 1992, RECORDED MAY 8, 1992 AS INSTRUMENT NUMBER 1992–042802, STANISLAUS COUNTY RECORDS
HOME SAVINGS OF AMERICA, FSB

DATED _____

OWNER’S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA SS.
COUNTY OF _____

ON _____, 20____ BEFORE ME, _____,

A NOTARY PUBLIC,
PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY’S SIGNATURE _____

PRINTED NOTARY’S NAME _____

NOTARY’S PRINCIPAL PLACE OF BUSINESS _____

NOTARY’S COMMISSION NUMBER _____

EXPIRATION OF NOTARY’S COMMISSION _____

OWNER’S ACKNOWLEDGMENT:

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STATE OF CALIFORNIA SS.
COUNTY OF _____

ON _____, 20____ BEFORE ME, _____,

A NOTARY PUBLIC,
PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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STATE OF CALIFORNIA SS.
COUNTY OF _____

ON _____, 20____ BEFORE ME, _____,

A NOTARY PUBLIC,
PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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NOTARY’S SIGNATURE _____

PRINTED NOTARY’S NAME _____

NOTARY’S PRINCIPAL PLACE OF BUSINESS _____

NOTARY’S COMMISSION NUMBER _____

EXPIRATION OF NOTARY’S COMMISSION _____

RECORDER’S STATEMENT:

FILED THIS _____ DAY OF _____, 20____ AT _____ O’CLOCK

_____M., IN BOOK _____ OF SURVEYS AT PAGE(S) _____,

STANISLAUS COUNTY RECORDS AT THE REQUEST OF MUIR CONSULTING, INC.

FEE: _____ INSTRUMENT NO. _____

DONNA LINDER, COUNTY RECORDER
OF STANISLAUS COUNTY

BY: _____

PRINT

SURVEYOR’S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CELERINO JIMENEZ, EDUVIGES JIMENEZ, JESUS JIMENEZ AND MARIA JIMENEZ IN JUNE 2021. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

TROY J. ERICKSON
P.L.S. NO. 7735
REGISTRATION EXPIRES: 12/31/2023



DATE

CITY ENGINEER’S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP, THAT THE SUBDIVISION IS SHOWN SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE PARCEL MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE MUNICIPAL CODE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE PARCEL MAP HAVE BEEN COMPLIED WITH, AND THE PARCEL MAP IS TECHNICALLY CORRECT.

WILLIAM F. KULL CITY ENGINEER
P.L.S. 5792

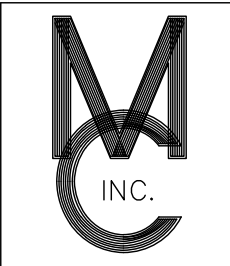
DATE

PARCEL MAP
CONSISTING OF 4 PARCELS

BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED MAY 8, 1992 AS DOCUMENT NUMBER 92–042801, STANISLAUS COUNTY RECORDS, BEING A PORTION OF LOT 303 AS SHOWN ON THAT CERTAIN MAP ENTITLED "RIVERBANK IRRIGATED FARMS", FILED FOR RECORD ON JANUARY 15, 1913 IN VOLUME 7 OF MAPS AT PAGE 23, STANISLAUS COUNTY RECORDS.

CITY OF RIVERBANK STANISLAUS COUNTY CALIFORNIA

JULY 2022



MUIR CONSULTING, INC.

460 N. YOSEMITE AVE., SUITE #9
OAKDALE, CA 95361
(209) 845–8630 FAX (209) 845–8639

SURVEYING • G.I.S. • G.P.S.
www.muirconsulting.com

BENEFICIARY’S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA SS.
COUNTY OF _____

ON_____, 20____BEFORE ME,_____

A NOTARY PUBLIC,
PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY’S SIGNATURE _____

PRINTED NOTARY’S NAME _____

NOTARY’S PRINCIPAL PLACE OF BUSINESS _____

NOTARY’S COMMISSION NUMBER _____

EXPIRATION OF NOTARY’S COMMISSION _____

TAX COLLECTOR’S CERTIFICATE:

THIS IS TO CERTIFY THAT THERE ARE NO LIENS AGAINST THE PROPERTY OR ANY PART THEREOF FOR ANY UNPAID STATE, COUNTY, SCHOOL, MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS, EXCEPT SPECIAL ASSESSMENTS OR TAXES NOT YET PAYABLE AGAINST THE LAND SHOWN ON THIS MAP.

AS TO STATE, COUNTY, SCHOOL, OR MUNICIPAL TAXES:

DONNA RILEY
STANISLAUS COUNTY TAX COLLECTOR

BY DEPUTY

DATE

PRINT NAME

CLERK OF THE BOARD OF SUPERVISOR’S CERTIFICATE:

THIS IS TO CERTIFY THAT THE OWNER(S) OF THE PROPERTY SHOWN ON THE ACCOMPANYING MAP HAVE FILED WITH THE BOARD OF SUPERVISORS:

(CHECK ONE)

☐ A BOND OR DEPOSIT APPROVED BY SAID BOARD TO SECURE THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE AT THE TIME OF FILING THIS MAP, A LIEN AGAINST SAID PROPERTY OR ANY PART THEREOF.

☐ A RECIEPTED TAX BILL OR BILLS OR SUCH OTHER EVIDENCE AS MAY BE REQUIRED BY SAID BOARD SHOWING FULL PAYMENT OF ALL APPLICABLE TAXES.

ELIZABETH A. KING
CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY

DATE

BY DEPUTY

DATE

PRINT NAME

PLANNING COMMISSION CERTIFICATE:

THIS IS TO CERTIFY THAT THIS PARCEL MAP SUBSTANTIALLY SUBSEQUENTLY CONFORMS TO THE TENTATIVE MAP RECOMMENDED BY THE PLANNING COMMISSION AT A DULY AUTHORIZED MEETING HELD ON _____,202__
APPROVED BY THE CITY COUNCIL AT A DULY AUTHORIZED MEETING HELD ON THE ____DAY OF _____,202__.

DONNA KENNEY
SECRETARY OF PLANNING COMMISSION

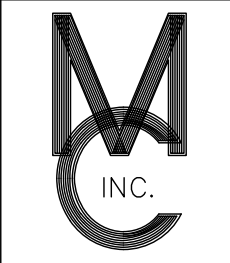
DATE

PARCEL MAP
CONSISTING OF 4 PARCELS

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CITY OF RIVERBANK STANISLAUS COUNTY CALIFORNIA

JULY 2022



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EIGHTH AVENUE

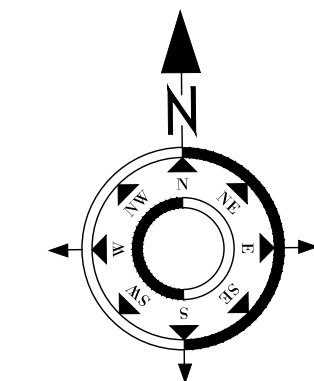
KANSAS AVENUE

TEXAS AVENUE
(50' R/W)

CALIFORNIA AVENUE
(60' R/W)

CLAUSS ROAD
(100' R/W)

MATTHEW LANE
(R/W VARIES)



GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.



- LEGEND**
- APN ASSESSORS PARCEL NUMBER
 - DOC. NO. DOCUMENT NUMBER
 - FD FOUND
 - R/W RIGHT-OF-WAY
 - SNF SEARCHED, NOTHING FOUND
 - () INDICATES RECORD REFERENCE
 - FOUND IRON PIPE OR REBAR AS NOTED
 - SET 3/4" IRON PIPE W/ PLASTIC PLUG & TACK, "LS 7735"
 - SUBJECT BOUNDARY LINE
 - ADJOINING LOT LINE / RIGHT-OF-WAY LINE
 - CENTERLINE
 - EASEMENT LINE
 - WOOD FENCE

- RECORD REFERENCES**
- (1) DOC. NO. 92-042801
 - (2) "CALIFORNIA ESTATES", 44 MAPS 72
 - (3) "KATHLEEN ESTATES UNIT NO. 1", 34 MAPS 79
 - (4) PARCEL MAP, 42 PM 5
 - (5) "DRAKE MANOR SUBDIVISION", 30 MAPS 5
 - (6) RECORD OF SURVEY, 67 S 8

BASIS OF BEARINGS
THE BEARING NORTH 89°26'06" WEST OF THE NORTHERLY RIGHT-OF-WAY LINE OF CALIFORNIA AVENUE, AS SHOWN ON THAT CERTAIN MAP ENTITLED "CALIFORNIA ESTATES", FILED FOR RECORD ON JULY 30, 2019 IN BOOK 44 OF MAPS AT PAGE 72, STANISLAUS COUNTY RECORDS, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.

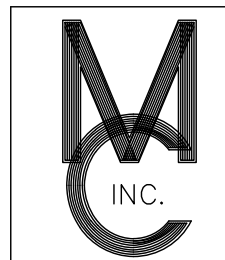
NOTES:
1. ALL DISTANCES AND DIMENSIONS HEREON ARE IN FEET AND DECIMALS THEREOF.

PARCEL MAP CONSISTING OF 4 PARCELS

BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED MAY 8, 1992 AS DOCUMENT NUMBER 92-042801, STANISLAUS COUNTY RECORDS, BEING A PORTION OF LOT 303 AS SHOWN ON THAT CERTAIN MAP ENTITLED "RIVERBANK IRRIGATED FARMS", FILED FOR RECORD ON JANUARY 15, 1913 IN VOLUME 7 OF MAPS AT PAGE 23, STANISLAUS COUNTY RECORDS.

CITY OF RIVERBANK STANISLAUS COUNTY CALIFORNIA

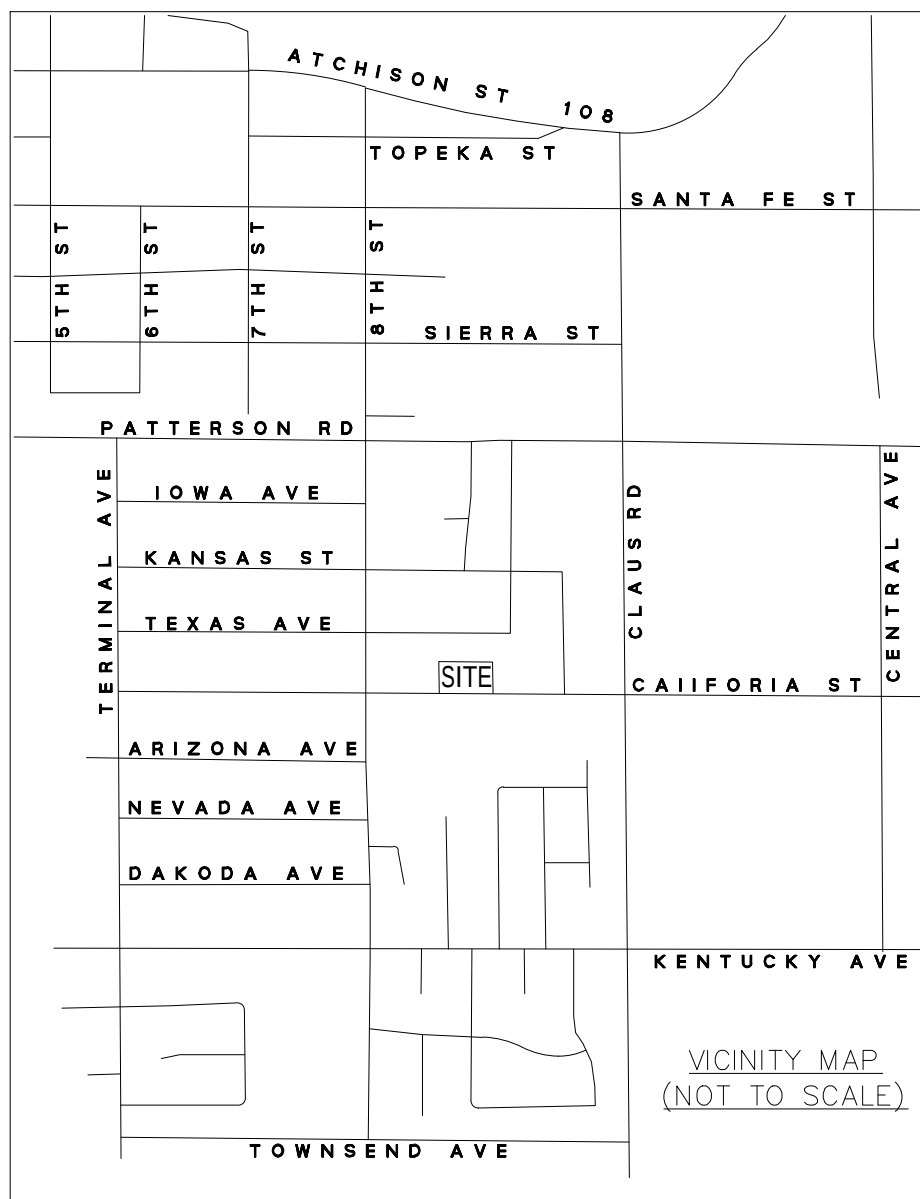
JULY 2022



MUIR CONSULTING, INC.

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UTILITY PROVIDERS:

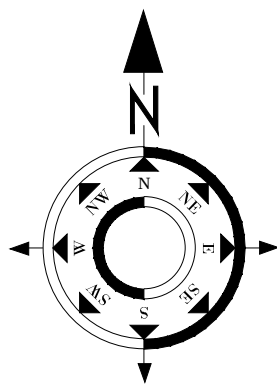
WATER CITY OF RIVERBANK
SEWER CITY OF RIVERBANK
ELECTRIC PACIFIC GAS & ELECTRIC, MODESTO IRRIGATION DISTRICT
GAS PACIFIC GAS & ELECTRIC, MODESTO IRRIGATION DISTRICT
TELEPHONE AT&T
STORM WATER CITY OF RIVERBANK

DESIGNATIONS:

ZONING R1
GENERAL PLAN LDR
MINIMUM AREA 6000 SQ. FT.
SETBACK REQUIREMENTS 5' SIDE & REAR, 20' FRONT WITH GARAGE/CAR PORT

EXISTING LOT AREA	
PARCEL 1	19676±
PARCEL 2	19598±

PROPOSED LOT AREA	
PARCEL 1	±9015 SQ.FT.
PARCEL 2	±10583 SQ.FT.
PARCEL 3	±10661 SQ.FT.
PARCEL 4	±9015 SQ.FT.



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND:

BSB BUILDING SETBACK
CB CATCH BASIN
WDF WOODEN FENCE
CLF CHAIN LINK FENCE
WIF WROUGHT IRON FENCE
SW SIDE WALK
TC TOP CURB
EP EDGE OF PAVEMENT
CONC CONCRETE
PP POWER POLE
JP JOINT POLE
FH FIRE HYDRANT
(TYP) TYPICAL
O12T INDICATES TREE SIZE

- INDICATES BOUNDARY LINE
- INDICATES LOT LINE
- INDICATES CONTOUR MAJOR LINE
- INDICATES CONTOUR MINOR LINE
- INDICATES EASEMENT LINE
- INDICATES BUILDING HATCH LINE
- INDICATES WROUGHT IRON FENCE
- INDICATES CHAIN LINK FENCE
- INDICATES WOODEN FENCE

NOTES:

- ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- THE DATE OF THE FIELD SURVEY WAS JULY 22, 2020.
- CONTOURS SET AT 1 FOOT INTERVALS.

BENCHMARK:

ELEVATIONS WERE DERIVED FROM GPS OBSERVATIONS AND ARE BASED ON NAVD88.

SURVEY REFERENCE:

THE SURVEY IS BASED ON 34-M 79: DESIGNATED REMAINDER "A": RECORDED JANUARY 22, 1990.

THIS MAP IS FOR THE CONVERSION OF 1 EXISTING RESIDENTIAL LOT TO 4 RESIDENTIAL LOTS

OWNER'S:

CELERINO JIMENEZ, EDUVIGES JIMENEZ, JESUS JIMENEZ AND NARIA JIMENEZ, 3837 CALIFORNIA AVENUE RIVERBANK, CA 95367

UTILITY NOTE:

UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE OBSERVATIONS. NO WARRANTIES ARE EXPRESSED OR IMPLIED CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, OR PUBLIC OWNED.

CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

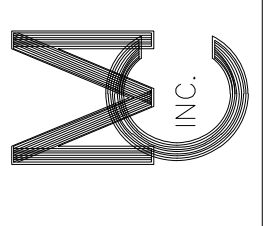
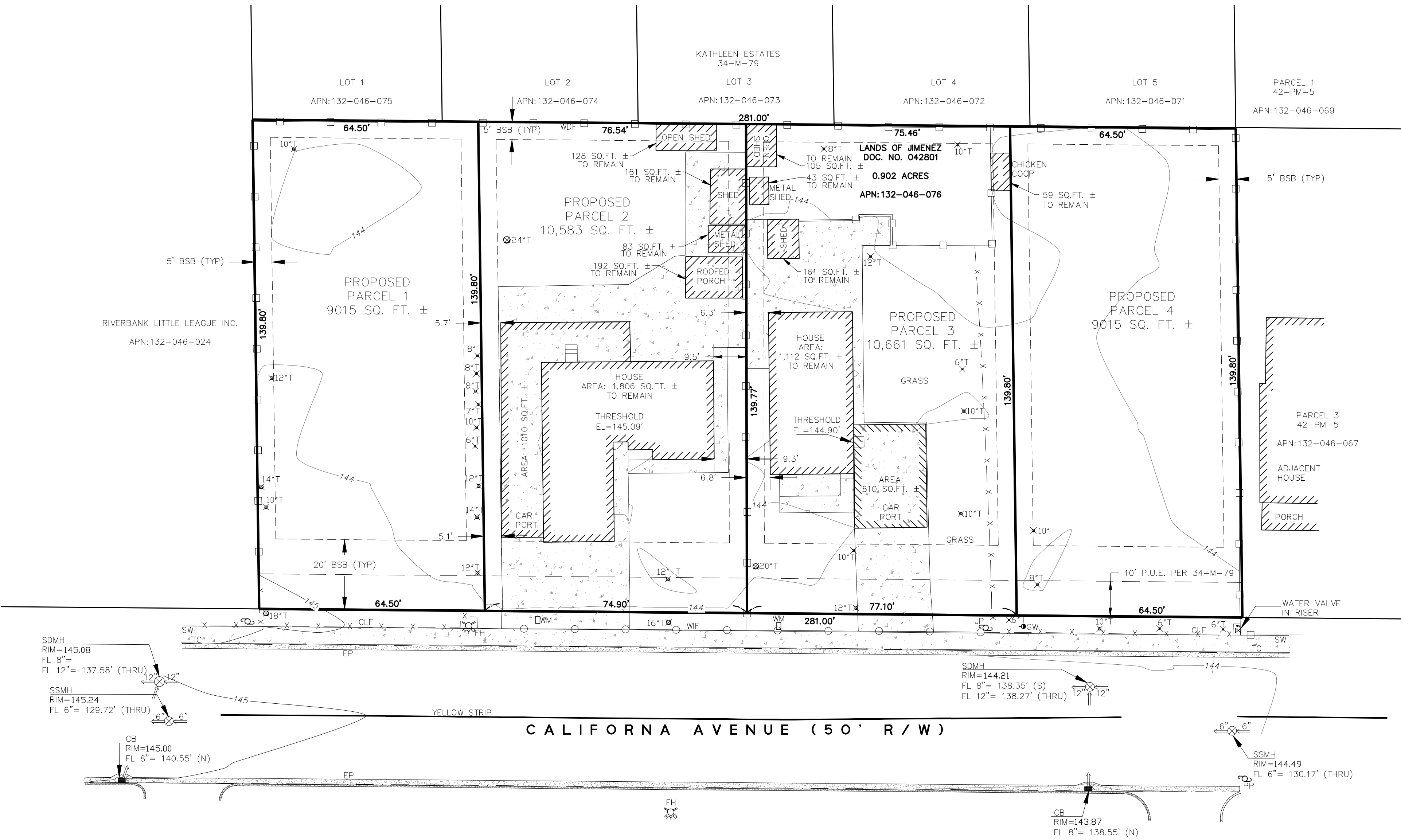
TREE NOTE

TREE TYPES, DRIP LINES, AND SIZE ARE FOR INFORMATIONAL PURPOSES ONLY. ACTUAL TYPE OF TREE, TREE SHAPE MAY VARY FROM ACTUAL FIELD CONDITIONS. NO WARRANTIES ARE IMPLIED IN REGARD TO TREE INFORMATION.

SURVEYOR'S STATEMENT

THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

TROY L. JACOBSON, P.L.S. #7735 DATE
LICENCE EXPIRES 12-31-2021



RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.7

SECTION 9: CONSENT

Meeting Date:	August 23, 2022
Subject:	Second Reading of the Pocket Avenue Senior Housing Rezone Ordinance
From:	Marisela H. Garcia, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council approve the ordinance (Attachment 1) for the Pocket Avenue Senior Housing Project Rezone to Planned Development.

SUMMARY

The proposed project consists of a General Plan Amendment (GPA) to Higher Density Residential (HDR) and a Zoning Ordinance Amendment (Rezone) to Planned Development (PD) for forty (40) senior single-story apartment units on an approximately 2-acre lot. At their regular meeting of June 26, 2022, the Council voted unanimously to approve Resolution No. 2022-105, approving the General Plan Amendment (Attachment 2) and to move the ordinance to its second reading.

BACKGROUND

The subject property is located on the south side of Pocket Avenue, west of Litt Road, south of Eisenhower Drive, and east of Roselle Avenue. The total area of the site is 2.01 acres and the formal address is 3318 Pocket Avenue. The existing site contains a single-family residence, a large barn, and a garage. The property is surrounded by single-family residential housing to the north, east, and west. There are some vacant undeveloped lots located southwest of the subject property.

Pursuant to California Government Code section 65358 and the Riverbank General Plan, the City Council was provided answers to the required GPA implementation questions below and approved the resolution:

1. Is the proposed amendment in the public interest? *The General Plan Amendment is in the public interest because the amendment will change the General Plan Land Use Map from LDR to HDR for future senior housing, which is currently in short supply.*
2. Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan? *The proposed amendment is compatible with the goals and objectives of the General Plan to build more housing and construct a variety of housing types for various demographics, including seniors.*
3. Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare? *The proposed amendment has been evaluated under CEQA and qualifies as exempt and not detrimental to the public health, safety, or welfare.*
4. Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act? *The proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code, and the California Environmental Quality Act.*

In order to approve the rezone ordinance, the City Council needs to make these findings:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development. *This senior housing development could be built in stages and exist as independent buildings, capable of creating a good environment.*
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses but will enhance the desirability of the area and have a beneficial effect. *The site is currently underutilized with a single-family dwelling unit, garage, and barn which will be demolished. The concept plan shows much needed senior housing. The future project will increase the City's diverse and compact housing stock.*
3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted. *A developer is required to provide amenities for any deviations from development standards in a Development Plan and may include amenities such*

as decorative street lighting, pavers or colored pavement at entrance, and open space furniture. Staff will negotiate these amenities during the Development Plan process.

4. The principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under other zoning districts. *There is no master plan required. The concept plan's housing density cannot be achieved under other zoning districts.*
5. Where a PD rezone is initiated by the City, the previous findings are not required. *This PD was not initiated by the City.*

Upon approval of the rezone to planned development, the applicants will submit a Development Plan application for the design of the site and the architecture of the buildings. Pursuant to Riverbank Municipal Code §153.163 (A)(2), a Development Plan shall be processed in the same manner as a conditional use permit and must be approved by the Planning Commission.

ENVIRONMENTAL DETERMINATION

The General Plan Amendment and Rezone are exempt from additional environmental analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects. The Rezone Ordinance is consistent with the (a) General Plan and its (b) EIR, (c) existing utility services are available to serve the project, (d) the project has no wetlands or value as wildlife habitat, (e) the project site is not on any environmental clean-up list, (f) the site and surrounding properties do not have the potential of exposure to future residents of hazardous substances, (g) the project will not have a significant effect on historical resources, (h) the site is not within an earthquake fault zone or subject to wildland fires, landslides or flooding, (i) the site is not within a developed open space area, and (j) the site is not located within the boundaries of a state conservancy.

ATTACHMENTS

1. Draft Ordinance No. 2022-004 (Rezone)
2. City Council Resolution No. 2022-105 (General Plan Amendment)

**CITY OF RIVERBANK
ORDINANCE NO. 2022-004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE REZONING OF 2.01± ACRES TO PLANNED DEVELOPMENT,
LOCATED AT 3318 POCKET AVENUE (APN 075-090-063) –
A PROJECT KNOWN AS THE POCKET AVENUE SENIOR APARTMENTS**

WHEREAS, an application has been received from Mahesh Khatwani with a proposal to demolish an existing single-family residence, garage, and barn on 2.01 acres, and to construct a forty (40) unit age-restricted apartment complex; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, April 19, 2022, to consider this proposed Rezone Ordinance (the “Rezone Ordinance”) in Riverbank and did not recommend approval of the project to the City Council with a 4-1 vote; and

WHEREAS, the City Council held a properly noticed public hearing on the proposed Rezone Ordinance on July 26, 2022, and considered the Planning Commission recommendation, and any public comments and all documents or testimony received; and

WHEREAS, the City Council for the City of Riverbank has made the following findings for adoption:

1. An application has been received from Mahesh Khatwani with a proposal to demolish an existing single-family residence, garage, and barn on 2.01 acres, and to construct a forty (40) unit age-restricted apartment complex; and
2. The project site has a General Plan Amendment request to change the current designation from Low Density Residential (LDR, which allows for a net density of 0-8 dwelling units per acre), to Higher Density Residential (HDR, which allows for a net density of 16+ units per acre) (the “General Plan Amendment”); and
3. The project site is currently zoned Single Family Residential (R-1) and the application also includes a request to rezone the property to Planned Development (PD); and
4. Notice of the public hearing on the proposed General Plan Amendment and Rezone Ordinance was published in the *Riverbank News*, a newspaper of general circulation, on July 13, 2022; and,

5. Notices of the public hearing on the proposed General Plan Amendment and Rezone Ordinance were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on July 12, 2022; and
6. The City finds that Pursuant to the California Environmental Quality Act, the Project is exempt from additional environmental analysis pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects. The Rezone Ordinance is consistent with the (a) General Plan and its (b) EIR, (c) existing utility services are available to serve the project, (d) the project has no wetlands or value as wildlife habitat, (e) the project site is not on any environmental clean-up list, (f) the site and surrounding properties do not have the potential of exposure to future residents of hazardous substances, (g) the project will not have a significant effect on historical resources, (h) the site is not within an earthquake fault zone or subject to wildland fires, landslides or flooding, (i) the site is not within a developed open space area, and (j) the site is not located within the boundaries of a state conservancy.

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

Section 1: The City Council of the City of Riverbank approves Rezoning 2.01 acres to Planned Development zoning for a property located at 3318 Pocket Avenue (APN 075-090-063) to make it consistent with a General Plan Designation of Higher Density Residential (HDR).

Section 2: The City Clerk is hereby directed to cause the Official Zoning Map of the City of Riverbank to be revised to reflect the rezoning approved by this ordinance.

Section 3: Constitutionality, 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 invalid or 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 invalid or unconstitutional.

Section 4: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

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 held on the 26th day of July, 2022, by Councilmember Uribe, who moved its introduction, which motion being duly seconded by Councilmember Hernandez, Said Ordinance was given a second reading by title only at a regular meeting of the City Council held on the 23rd day of August, 2022, and after such reading, by title only, Councilmember _____ moved its adoption, seconded by Councilmember _____ and said Ordinance was thereupon adopted upon roll call was carried by the following roll call vote ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney

CITY OF RIVERBANK

RESOLUTION 2022-105

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE GENERAL PLAN AMENDMENT
REDESIGNATING 2.1+ ACRES, LOCATED AT 3318 POCKET ROAD (APN
075-090-063) TO HDR HIGHER DENSITY RESIDENTIAL**

THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE "CITY COUNCIL") DOES HEREBY RESOLVE THAT:

WHEREAS, a General Plan Amendment and Rezone application has been received from Mahesh Khatwani with a proposal to demolish an existing single-family residence, garage, and barn on 2.01 acres, and to construct a forty (40) unit age-restricted single-story apartment complex; and

WHEREAS, the City of Riverbank Planning Commission conducted a Hearing on April 19, 2022 to take public comment and consider the proposed General Plan Amendment from Low Density Residential to Higher Density Residential (HRD) and the proposed Rezone from Single Family Residential (R-1) to Planned Development (PD); and

WHEREAS, the Planning Commission after considering public comment which included a neighborhood petition, voted 4-1 to recommend to the City Council that they deny the General Plan Amendment and Rezone requests; and

WHEREAS, pursuant to Government Code section 65355, notice of the City Council public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on June 15, 2022; and

WHEREAS, notices of the City Council public hearing on the General Plan Amendment were also mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on June 14, 2022; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY FIND:

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the City Council finds as follows:
 - a. The General Plan Amendment is in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed rezone.

- b. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan.
 - c. The proposed amendment has been evaluated under CEQA and qualifies as exempt and not detrimental to the public health, safety, or welfare.
 - d. That the proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 26th day of July 2022; motioned by Councilmember Uribe, seconded by Councilmember Hernandez, and upon roll call was carried by the following vote of 5/0:

AYES: Councilmember District 1, Luis Uribe
Councilmember District 2, Rachel Hernandez
Vice Mayor (CM-D 3), Cal Campbell
Councilmember District 4, Darlene Barber-Martinez
Mayor, Richard D. O'Brien

NAYS: None

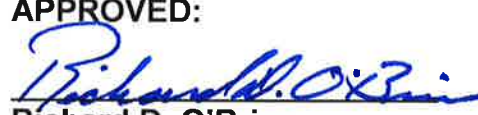
ABSENT: None

ABSTAIN: None

ATTEST:


Gabriela Hernandez
City Clerk

APPROVED:


Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	August 23, 2022
Subject:	Resolution Approving an Animal Control Services Agreement with the City of Oakdale to Provide Animal Control Services in the City of Riverbank and Authorizing the City Manager to Execute said Agreement
From:	Marisela H. Garcia, City Manager
Submitted by:	Norma Torres-Manriquez, Senior Management Analyst

RECOMMENDATION

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

SUMMARY

The previous agreement with the City of Oakdale expired as of June 30, 2022. Staff requests the authorization of the Riverbank City Council to renew the Animal Control Services Agreement with the City of Oakdale. The proposed agreement includes updates agreed upon through negotiations between respective city staff.

BACKGROUND

The agreement for animal services between Riverbank and Oakdale has been on going since February of 2009. The Oakdale animal control staff has worked hard and dedicated many hours to helping our Riverbank community and its many lost and unsheltered animals.

The current agreement with Oakdale Animal Control Services includes one (1) full-time animal control officer, two (2) part time shelter attendants (shared cost), one (1) 8 hour per week supervisor and dispatch services. The City of Riverbank pays for all personnel costs associated for the animal control services and also pays for after hour (emergency and urgent City) calls on a fee for service basis. Both cities share the operation and maintenance cost for the Animal Shelter that is located in Oakdale. The agreement also includes funds in the amount of \$6,000 per year specifically for a vehicle and animal transportation box replacement. The previous annual agreement cost was \$232,287.

The proposed agreement includes a few key updates:

- The term of the agreement would be for five years 2022-2027
- Animal Control extended hours to patrol during the spring and summer months (May 1st through September 30th)
- The transition of a part-time shelter attendant to a full-time position
- Increase cost in staff salaries
- Increase cost for dispatch services
- Increase cost for shelter operation and maintenance

The proposed five-year agreement will maintain a full time (40-hours per week) animal control officer and the \$6,000 per year vehicle and transportation box replacement funds.

The transition of the part-time shelter attendant to a full-time position being proposed is in anticipation of the continual growth of both cities. With the current two part time shelter attendants, the shelter struggles to meet the customer and animal care needs of the shelter. This increase in hours will better manage the everyday duties and customer service needs of our two communities. Both cities would equally share the cost of both shelter attendant positions (see agreement- Exhibit A).

As in previous years the agreement maintains a stipulation that either party may terminate the agreement upon thirty (30) days written notice.

The City of Oakdale City Council approved the proposed contract renewal at their August 1, 2022 Council meeting.

STRATEGIC PLAN

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

FINANCIAL IMPACT

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

FY 2022-2023 budget impact will be for a total appropriation of \$273,546.

FY 2023-2024 budget impact will be \$280,411,

FY 2024-2027 will be determined based on cost-of-living increases.

ATTACHMENT

1. Draft Resolution 2022-XXX
2. Exhibit A: Animal Control Services Agreement 2022-2027

CITY OF RIVERBANK

RESOLUTION 2022-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING AN ANIMAL CONTROL SERVICES AGREEMENT
WITH THE CITY OF OAKDALE TO PROVIDE ANIMAL CONTROL SERVICES IN
THE CITY OF RIVERBANK**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the Animal Control Services Agreement with the City of Oakdale attached and incorporated herein to provide animal-related patrols (40-hours weekly) in the City of Riverbank and animal control support services. The Term of the agreement shall be from the signature date through June 30, 2027.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of August, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Gabriela Hernandez
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Exhibit A: Animal Control Services Agreement 2022-2027

This Agreement is entered into this 23rd day of August, between the City of Riverbank and the City of Oakdale. This Agreement is effective through June 30, 2027.

ARTICLE 1

DESCRIPTION OF SERVICES

1.1 TERMS AND CONDITIONS

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

1.2 PATROL SERVICES

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

- a. Based on the increased use of City parks during Spring and Summer months, Animal Control Officers can be subject to schedule changes at the request of the City of Riverbank between May 1st and September 30th to monitor animal control violations throughout the City and at city parks. The schedule changes will reflect the use times of the City parks. This could include evening hours and weekends. These requested schedule changes are at the discretion of the Oakdale Police Department's Chief of Police, but there will be a minimum of five Saturdays and a minimum of two Sundays within the aforementioned timeframe. These weekends and evening shifts will be achieved by schedule adjustments; not overtime.

1.3 EMERGENCY CALL OUT

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

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

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

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

1.4 VETERINARIAN/MEDICAL SERVICES AND ASSOCIATED COSTS

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

1.5 IDENTITY OF OWNER

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

ARTICLE 2

GENERAL PROVISIONS

2.1 SHELTER ATTENDANT

The City of Oakdale will employ one full-time shelter attendant (40-hour a week) and one part-time shelter attendant (32-hour a week). The job duties will include but will not be limited to feeding the animals, cleaning the facility, and to accept and release animals from the Oakdale Animal Control

Shelter. The Oakdale Animal Control Services supervisor will set this employee's work schedule. The Cities of Oakdale and Riverbank agree to share equally the cost of the two shelter attendants. See **Attachment 1** for a summary of the cost.

If circumstances arise that allow for a savings in personnel costs associated with the shelter attendants and animal control officers (i.e., Oakdale performs animal services for another agency), Oakdale can elect to share the costs savings with Riverbank. The City of Riverbank and the City of Oakdale agree that the cost savings will be determined by the Chief of Police of Oakdale.

In the event that Oakdale passed along savings associated to shelter attendant and animal control officers to Riverbank, and the circumstances that allowed for the cost savings no longer exists, parties will refer back to Attachment 1.

2.2 RADIO/TELEPHONE DISPATCH COSTS

It is anticipated that the Oakdale Police Department will receive nearly 1500 animal- related calls from the City of Riverbank during the duration of this contract. The City of Oakdale is expected to incur a monthly cost of \$2,000 to dispatch officers for these services. The City of Riverbank agrees to pay for the cost for these services for the duration of this agreement as indicated in **Attachment 1**.

2.3 ANIMAL CONTROL SUPERVISOR COSTS

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

2.4 LIVESTOCK AND LARGE ANIMAL HANDLING COSTS

Although the Oakdale Animal Control Unit is not equipped to handle livestock on a regular basis, and in the interest of maintaining a high level of service for the City of Riverbank, our Animal Control Unit may be able to assist with such calls depending on the size, disposition and location of the animal. Accepting such calls will be decided on a case-by-case basis and all additional costs including but not limited to housing, feed and veterinarian services will be paid by the City of Riverbank.

2.5 MODIFICATION OF AGREEMENT/FEE SCHEDULE

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

The City of Riverbank agrees to match the salary and fringe benefits incurred by the City of Oakdale for the positions of Animal Control Officer, Shelter Attendant, Dispatcher, and/or Police Sergeant (positions dedicated to providing services to Riverbank under this agreement). The increases in salaries and benefits will be based on the negotiated salaries and fringe benefits according to the memorandum(s) of understanding between the City of Oakdale and the personnel represented by each bargaining unit. The salaries and fringe benefit expenses for part-time employees will match the salaries and fringe benefits set by the City of Oakdale.

The fee schedule (**Attachment 1 and Attachment 2**) becomes effective the signature date and expires on June 30, 2027. The cities of Oakdale and Riverbank agree to re-open this agreement on the first business day of May 2027, to begin discussions about a contract extension.

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

2.6 PAYMENT OF FEES

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

2.7 ACCEPTANCE/TERMINATION OF AGREEMENT

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

2.8 ANIMAL CONTROL VEHICLE

On July 20th, 2020 Oakdale City Council approved the purchase of an animal control vehicle from Animal Services Vehicle Replacement Fund 547. The funds for the vehicle were placed in the fund through the billing of City of Riverbank. The vehicle was purchased and put into service in October of 2021. The vehicle will be used exclusively by designated Oakdale animal control officer(s). The vehicle will be stored at the Oakdale Police facility when not in service as a convenience to the Oakdale Animal Control officer(s) for emergency animal call-outs occurring in the City of Riverbank. If this Agreement is terminated prior to the full amortization of the animal control vehicle, the vehicle becomes the property of the City of Riverbank. The City of Riverbank will be charged for maintenance and fuel for use of the vehicle to provide services to the City of Riverbank (**refer to Attachment 1**).

Beginning July 1, 2020, the City of Riverbank agrees to pay the City of Oakdale \$6,000.00 per fiscal year (\$500 per month) for the duration of this contract to be set aside into a vehicle replacement account. These funds will be used to offset the future replacement of the Riverbank Animal Control vehicle and transportation box (**refer to Attachment 1**).

2.9 COLLECTION OF FEES

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

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

associated with animal control. The remaining sixty-five-percent (65%) will be used to offset costs charged to the City of Riverbank for animal control services.

2.10 REPORTING

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

2.11 VICIOUS AND POTENTIALLY DANGEROUS DOGS

Vicious and potentially dangerous animals shall be handled as set forth in the Oakdale Municipal Code by the Oakdale Police Chief or their designee. Hearings involving Riverbank animals shall take place within the city limits of Riverbank. If the City of Riverbank requests assistance from Oakdale Police Department Personnel in regards to vicious dog hearings or any other hearings the City of Riverbank shall pay to the City of Oakdale the weighed labor rate of the Oakdale Police Department personnel that provided the assistance.

2.12 HOLD HARMLESS

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

2.13 RECONCILIATION

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

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

CITY OF OAKDALE

CITY OF RIVERBANK

Bryan Whitemyer, City Manager

Marisela H. Garcia, City Manager

ATTEST:

ATTEST:

Colleen Anderson, City Clerk

Gabriel Hernandez, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Thomas P. Hallinan, City Attorney

Thomas P. Hallinan, City Attorney

ATTACHMENT 1

City of Oakdale
Annual Cost Summary for Animal Control Services
2022/2023 Fiscal Year

Description	Annual Cost
Animal Control Officer (F/T 40-hours)	\$95,689
Shelter Attendant (F/T 40 Hours – 50%)	\$31,903
Shelter Attendant (32-hours – 50%)	\$17,794
Dispatcher Services (est. 750 CFS \$2,000/month)	\$24,000
Supervisor (8-hours per week)	\$36,981
Office Supplies	\$3,864
Euthanasia Drugs	\$5,645
Dog and Cat Food	\$880
Disposal	\$6,630
Veterinarian C o s t s	\$4,980
Spay/Neutering Costs	\$15,600
A/C Vehicle Fuel	\$9,800
AC Vehicle Maintenance	\$2,000
AC Vehicle and Transportation Box Replacement Schedule	\$6,000
Cleaning Supplies/Drain Chemicals	\$3,680
Misc. Animal ID&Confinement	\$5,600
Training	\$2,500
TOTAL COSTS	\$273,546

ATTACHMENT 1

City of Oakdale
Annual Cost Summary for Animal Control Services
2023/2024 Fiscal Year

Description	Annual Cost
Animal Control Officer (F/T 40-hours)	\$99,717
Shelter Attendant (F/T 40 Hours – 50%)	\$33,850
Shelter Attendant (32-hours – 50%)	\$18,684
Dispatcher Services (est. 750 CFS \$2,000/month)	\$24,000
Supervisor (8-hours per week)	\$36,981
Office Supplies	\$3,864
Euthanasia Drugs	\$5,645
Dog and Cat Food	\$880
Disposal	\$6,630
Veterinarian Costs	\$4,980
Spay/Neutering Costs	\$15,600
A/C Vehicle Fuel	\$9,800
AC Vehicle Maintenance	\$2,000
AC Vehicle and Transportation Box Replacement Schedule	\$6,000
Cleaning Supplies/Drain Chemicals	\$3,680
Misc. Animal ID & Confinement	\$5,600
Training	\$2,500
TOTAL COSTS	\$280,411

ATTACHMENT 1

City of Oakdale
Annual Cost Summary for Animal Control Services
2024/2025 Fiscal Year

Description	Annual Cost
Animal Control Officer (F/T 40-hours)	TBD
Shelter Attendant (F/T 40 Hours – 50%)	TBD
Shelter Attendant (32-hours – 50%)	TBD
Dispatcher Services (est. 750 CFS \$2,000/month)	\$24,000
Supervisor (8-hours per week)	TBD
Office Supplies	\$3,864
Euthanasia Drugs	\$5,645
Dog and Cat Food	\$880
Disposal	\$6,630
Veterinarian Costs	\$4,980
Spay/Neutering Costs	\$15,600
A/C Vehicle Fuel	\$9,800
AC Vehicle Maintenance	\$2,000
AC Vehicle and Transportation Box Replacement Schedule	\$6,000
Cleaning Supplies/Drain Chemicals	\$3,680
Misc. Animal ID & Confinement	\$5,600
Training	\$2,500
TOTAL COSTS	TBD

ATTACHMENT 1

City of Oakdale
Annual Cost Summary for Animal Control Services
2025/2026 Fiscal Year

Description	Annual Cost
Animal Control Officer (F/T 40-hours)	TBD
Shelter Attendant (F/T 40 Hours – 50%)	TBD
Shelter Attendant (32-hours – 50%)	TBD
Dispatcher Services (est. 750 CFS \$2,000/month)	\$24,000
Supervisor (8-hours per week)	TBD
Office Supplies	\$3,864
Euthanasia Drugs	\$5,645
Dog and Cat Food	\$880
Disposal	\$6,630
Veterinarian Costs	\$4,980
Spay/Neutering Costs	\$15,600
A/C Vehicle Fuel	\$9,800
AC Vehicle Maintenance	\$2,000
AC Vehicle and Transportation Box Replacement Schedule	\$6,000
Cleaning Supplies/Drain Chemicals	\$3,680
Misc. Animal ID & Confinement	\$5,600
Training	\$2,500
TOTAL COSTS	TBD

ATTACHMENT 1

City of Oakdale
Annual Cost Summary for Animal Control Services
2026/2027 Fiscal Year

Description	Annual Cost
Animal Control Officer (F/T 40-hours)	TBD
Shelter Attendant (F/T 40 Hours – 50%)	TBD
Shelter Attendant (32-hours – 50%)	TBD
Dispatcher Services (est. 750 CFS \$2,000/month)	\$24,000
Supervisor (8-hours per week)	TBD
Office Supplies	\$3,864
Euthanasia Drugs	\$5,645
Dog and Cat Food	\$880
Disposal	\$6,630
Veterinarian Costs	\$4,980
Spay/Neutering Costs	\$15,600
A/C Vehicle Fuel	\$9,800
AC Vehicle Maintenance	\$2,000
AC Vehicle and Transportation Box Replacement Schedule	\$6,000
Cleaning Supplies/Drain Chemicals	\$3,680
Misc. Animal ID & Confinement	\$5,600
Training	\$2,500
TOTAL COSTS	TBD

ATTACHMENT 2

Emergency Animal Response Costs

The City of Riverbank agrees to compensate the City of Oakdale for the direct personnel costs of two (2) hours of straight time pay for each day of standby performed by animal services personnel to ensure personnel are available for responses during off-duty times. Animal services personnel assigned to standby status may not consume alcoholic beverages and must otherwise maintain fitness for duty at all times while on standby. Personnel assigned to standby duties must respond verbally within fifteen (15) minutes to the initial calls or voice messages and will respond within one hour of the verbal confirmation.

Animal services personnel recalled to work outside and not continuous with regularly scheduled hours require a minimum compensation of three hours at a rate of one and one-half times the employee's regular straight time rate of pay to be billed to the City of Riverbank on a case-by-case basis.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date: August 23, 2022

Subject: Consider by Minute Order the Approval of the City's Formal Response to Findings and Recommendations from the 2021-2022 Stanislaus County Civil Grand Jury Homelessness: The Elusive Definition of "Success" Report (Case #22-05GJ)

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider approving by minute order the City's formal response to the Stanislaus Civil Grand Jury Report for Case #22-05GJ).

SUMMARY

On June 16, 2022 the City of Riverbank was served with official notification from the Stanislaus County Civil Grand Jury of a report (Attachment A) to be issued to the public which would require a response to the jury's findings and recommendations on the topic of Homelessness. Staff has developed these responses and is presenting to Council for consideration.

BACKGROUND

Each year the Presiding Judge of the Superior Court of Stanislaus convenes a grand jury to investigate matters of civil concern in the County. One of the primary responsibilities of the Grand Jury is "to investigate and report on the operations of county government to be assured that they are being administered efficiently, honestly, and in the best interest of its citizens."

For the 2021-2022 year, the Civil Grand Jury initiated an investigation regarding the efforts of private and public organizations to address homelessness in our communities. To summarize the report, the Civil Grand Jury *"found that while efforts to coordinate all these agencies and their activities are being pursued, accountability is lacking."* Given the significant dollars spent to address homelessness, this lack of accountability is problematic and can undermine the public's confidence in our public agencies."

As part of its initial investigation, the Grand Jury reached out to the City to obtain the following information:

1. What direct role or programs do you offer to address homelessness in your city?
2. Does your city receive direct funding for addressing homelessness?
3. If so, from whom do you receive the funding?
4. Does the city apply for funds directly or do you apply through the Community Systems of Care Program?

The City provided a response (see Attachment B) which detailed all of the City's efforts to date to address homelessness in our community. Information included the fact that the City Council had identified this issue as an area to focus on through the development of the City's Strategic Plan. In addition, it detailed our efforts to date including the purchase of the Sierra House, and the application and receipt of grant funding from both the State and the County.

FINDINGS AND RECOMMENDATIONS

The Civil Grand Jury identified the following Findings and Recommendations as a result of their investigation:

FINDINGS

F1. The number of homeless in Stanislaus County fluctuates from year to year but is increasing over time. This trend was exacerbated by the COVID-19 pandemic.

F2. The most significant causes of homelessness are lack of affordable housing, substance abuse, and mental health.

F3. Efforts to better coordinate the system of care are underway. These include the Stanislaus Homeless Alliance at the policy level, and the Homeless Management Information System at the operational level.

F4. Since over half of the homeless each year are in the care system for the first time, efforts to prevent homelessness have not been successful enough. Without greater prevention success, homelessness cannot be reduced.

F5. Despite enormous funding for homeless programs, and despite the fact that there are many individual successes, overall the system to date has not reduced homelessness.

F6. There is insufficient accountability for the effective use of homeless funds. While many agencies are accountable to their funding sources, primary responsibility for measuring accountability and effectiveness rests with the Community Services Agency, the Community System of Care, and the Stanislaus Homeless Alliance.

RECOMMENDATIONS

RI. More accountability needs to be introduced into the system. The Community System of Care, the Stanislaus Homeless Alliance, and the Community Services Agency should

take the lead, demand verifiable performance, and focus funding and other resources on those agencies and organizations with demonstrable success. This should be done by jointly adopting a performance evaluation system prior to allocation of the next round of federal homeless funding. Progress on achieving the eight goals set forth in the Stanislaus 2021 Regional Strategic Plan to Address Homelessness should be included in performance evaluations.

R2. More focus should be given to preventing homelessness. To the extent there are funds not earmarked for other purposes, in the budgeting process of each jurisdiction, priority should be given to allocating these funds for affordable housing, substance abuse treatment, and mental health services.

R3. All cities in the County should continually be encouraging the construction of significantly more affordable housing. They should evaluate their plans, procedures, and requirements with the goal of balancing community goals, standards, and aspirations with the need for affordable housing.

R4. All cities should report annually to the Community System of Care and Stanislaus Homeless Alliance on the steps they have taken to help produce more affordable housing.

R5. Subsequent civil grand juries are encouraged to monitor progress on these recommendations and consider a more in-depth investigation into efforts to produce affordable housing.

The City has prepared a draft response included in Attachment C. The response was coordinated with information received from both the Community System of Care (CSOC) and the Stanislaus Homeless Alliance (SHA). The City of Riverbank is a board member for both organizations.

STRATEGIC PLAN

This item addresses the City Council's Strategic Plan Goal to "Improve Internal and External Communication". The information provided in the draft Response will reflect the work being undertaken to achieve the City's objective to "Engage the community and non-profit partners in the development of programs, facilities, transitional housing and/or solutions for homeless services."

FINANCIAL IMPACT

There is no financial impact associated with responding to the Findings and Recommendations of the Stanislaus County Civil Grand Jury Report for Case #22-05GJ.

ATTACHMENT

1. Attachment A: Civil Grand Jury Final Report – Case #22-05GJ
2. Attachment B: Response to Initial Investigation
3. Attachment C: Response to Final Report - Case #22-05GJ



STANISLAUS COUNTY CIVIL GRAND JURY

PO Box 3387 – Modesto, CA 95353 – (209) 525-4252 – Fax (209) 558-8170

Date: June 16, 2022

Case #: 22-05GJ

CONFIDENTIAL – DELIVERY BY Certified Mail- Return Receipt Requested

Name of Party Being Served Report Richard D. O'Brien, Mayor City of Riverbank 6707 3 rd Street Riverbank, CA 95367

Dear Mayor O'Brien,

The Stanislaus County Civil Grand Jury has completed the attached report. The Civil Grand Jury is providing you with a copy of this report two days in advance of its public release, as required by California Penal Code §933.05(f). The Penal Code also prohibits you from disclosing any contents of the report prior to public release by the Civil Grand Jury.

Your response to the jury's findings and recommendations must be submitted to the Presiding Judge of the Superior Court, the Honorable Robert B. Westbrook, at PO Box 3488, Modesto, CA 95353. Submit a hard copy of your response. Enclosed are guidelines that may be helpful as you prepare your response.

Sincerely,

Michael C. Herrero

Michael Herrero, Foreperson
2022-2023 Civil Grand Jury

Distribution Information	
☐ Other	☐ In person
Signature	Date
Printed Name	Time Served

HOMELESSNESS: THE ELUSIVE DEFINITION OF SUCCESS



Homelessness: The Elusive Definition of “Success”

2021-2022 Stanislaus County Civil Grand Jury

Case #22-05GJ

SUMMARY

Homelessness is a growing problem around the country. Stanislaus County is no exception. Homeless is defined as an individual or family lacking a fixed, regular, and adequate nighttime residence.

Unemployment, lack of affordable housing, poverty, mental health, substance abuse, domestic abuse and family conflict are among the contributing causes. The public and private efforts to address homelessness are as diverse as its causes.

The Stanislaus County Civil Grand Jury (SCCGJ) identified dozens of public agencies, private organizations, and non-profits working in this arena. It is hard to evaluate coordination, effectiveness, and accountability when efforts are so fragmented.

The SCCGJ found that while efforts to coordinate all these agencies and their activities are being pursued, accountability is lacking. Given the significant dollars spent to address homelessness, this lack of accountability is problematic and can undermine the public’s confidence in our public agencies.

This report aims not to get into all the specific details as to where the money is coming from and where it is going. Rather, the SCCGJ intends to raise awareness of the scope and magnitude of this issue and how we as a community address it. Failings concerning how our community deals with homelessness is not unique to Stanislaus County, but nevertheless Stanislaus County needs to be more successful.

METHODOLOGY

The SCCGJ reviewed numerous reports, publications and plans developed over the last few decades by local, state and federal agencies. It researched local private and non-profit organizations fighting homelessness. It requested and received information and materials from both the public and private entities. It interviewed representatives of both the public agencies and private organizations.

BACKGROUND

Organization For decades there have been organized efforts to combat homelessness.

- The efforts began with a federally required organization called the “Continuum of Care” to track homeless individuals and families over thirty years ago.

- In 2001 Stanislaus County and the City of Modesto recognized the Continuum as the planning and coordinating body for homeless programs and services.
- In 2015 the Homeless Action Council was formed to reduce and prevent homelessness.
- In 2017 the Continuum and Homeless Action Council merged to create the Stanislaus County Community System of Care (CSOC).
- In 2019 the Stanislaus Homeless Alliance was created to provide one vision, one program strategy, one funding strategy, and one annual report card to communicate performance outcomes.
- In 2019 Stanislaus County created a Homeless and Housing Services Division in the Community Services Agency. Several cities have also designated staff to work on homelessness.

Plans Numerous plans have been adopted over the years to address homelessness. The most recent is the Stanislaus 2021 Regional Strategic Plan to Address Homelessness.

Many agencies, organizations and non-profits have programs to address homelessness. These programs include emergency shelters, transitional shelters which provide a bridge between emergency and permanent housing, permanent housing, and rental assistance.

For example, at the County level, the Community Services Agency, the Behavioral Health and Recovery Services Agency, the Health Services Agency, the Planning and Community Development Department, and Chief Executive Office are all involved in addressing homelessness.

Appendix A contains a non-exhaustive list of key homeless and housing programs and services in the County as documented in the Stanislaus 2021 Regional Strategic Plan to Address Homelessness.

Funding There are at least seventeen federal and state sources that must or can be used to fund homeless programs (see Appendix B). Funding for homeless efforts increased dramatically during the pandemic. The SCCGJ was able to identify a minimum of \$30 million in state and federal funding allocated to these efforts in Stanislaus County over a recent three year period, and the amount is likely to be higher. Significant private funding has also occurred.

Coordination Since 1988 there have been several efforts to coordinate services. The latest attempt was the creation of the Stanislaus Homeless Alliance. The Alliance's Board is comprised of elected officials from throughout the County. A key mission of the Alliance is "...to coordinate development of a shared performance measurement system to assess effectiveness, quality, efficiency, access, and availability of homeless services throughout Stanislaus County."

The County's Community Services Agency operates the Homeless Management Information System, a searchable database of information on homeless individuals. Data is entered into the system by service providers, creating a single source of information on homeless individuals. This system can provide analysis of how families and households move through the homeless care system over time, as well as reports on overall system performance.

The question could be asked, “Do we judge programs based on their good intent, or on the actual outcomes?” The SCCGJ acknowledges that the programs and funds currently used to address homelessness help many individuals and families. The concern of the SCCGJ is whether the funds come attached with a way to assess if there has been progress toward reducing or ending homelessness.

DISCUSSION

Efforts to address homelessness fall into two categories. The first category is getting people off the streets and into shelter. Many of the programs in Stanislaus County fall into this category. The SCCGJ refers to these as the service programs.

The second category is combating the underlying causes of homelessness. The SCCGJ refers to these as the prevention programs.

Point-in-Time Counts Agencies receiving federal funds for homelessness are required to annually conduct a count of the homeless during a single twenty-four-hour period. This is done the same night throughout the United States. While the methods for these counts have changed over time, and recently were complicated by the COVID-19 pandemic, they provide a ballpark estimate of the number of homeless. The following table shows the Point-in-Time counts for Stanislaus County since 2005, showing the total numbers, total in emergency shelters, total in transitional shelters, total unsheltered, and percentage unsheltered.

Stanislaus County Point-In-Time Counts

Year	Total	In Emergency Shelters	In Transitional Housing	Unsheltered	% Unsheltered
2005	1,613	484	194	935	58%
2010	1,800	496	305	999	56%
2015	1,408	558	167	693	49%
2016	1,434	566	138	730	51%
2017	1,661	683	157	821	49%
2018	1,356	578	172	606	45%
2019	1,923	662	173	1,088	57%
2020	2,107	803	217	1,087	52%
2021	2,900*				

*2021 number is initial estimate

There are homeless individuals throughout the County, with over 80% living in the greater Modesto-Riverbank-Empire area.

Modesto	1,592
Turlock	232
Patterson	78
Empire	77
Oakdale	36
Ceres	29
Riverbank	26
Newman	21
Denair	7
Waterford	6
Salida	2
Hughson	1

Among the homeless identified in the 2020 Point-in-Time count:

- 18% had mental health issues
- 19% suffered from substance abuse
- 7% were victims of domestic violence
- Over 5% were unaccompanied youth
- Over 60% had been in jail, prison, or juvenile detention
- 25% spent time in a treatment center
- 12% had been in foster care

In 2020 over half of those receiving homeless services were doing so for the first time. There is not a large influx of homeless from other regions into the county. The vast majority of those receiving homeless services in Stanislaus County are from our County.

Several service providers interviewed noted that on any given night there is a surplus of emergency shelter beds. The challenge is getting them filled.

The most recent homeless plan, the Stanislaus 2021 Regional Strategic Plan to Address Homelessness, recommended the following eight goals:

- Increase availability of permanent housing for people experiencing homelessness
- Increase access to and availability of mental health, substance abuse treatment, and other supportive services to increase housing stability and well-being
- Achieve equity in governance, outreach, provision of services, program participation, and outcomes while improving outreach, care and culturally attuned services to vulnerable and historically underserved populations
- Increase coordination of services, access, and information to build capacity across the homeless system of care
- Increase pathways to essential community services that support self-sufficiency
- Increase participation of people with lived experience of homelessness in decision-making and feedback processes across the homeless system of care
- Strategically support homelessness prevention, diversions, and rapid resolution

- Improve coordination of homeless programs to further public health and safety in support of community standards and increased access to services for people experiencing homelessness

COMMENDATION

The SCCGJ salutes all the public agencies and private organizations working to alleviate homelessness. The recommendations which follow are meant to help these agencies and organizations as they address this complicated and challenging task.

FINDINGS

- F1.** The number of homeless in Stanislaus County fluctuates from year to year but is increasing over time. This trend was exacerbated by the COVID-19 pandemic.
- F2.** The most significant causes of homelessness are lack of affordable housing, substance abuse, and mental health.
- F3.** Efforts to better coordinate the system of care are underway. These include the Stanislaus Homeless Alliance at the policy level, and the Homeless Management Information System at the operational level.
- F4.** Since over half of the homeless each year are in the care system for the first time, efforts to prevent homelessness have not been successful enough. Without greater prevention success, homelessness cannot be reduced.
- F5.** Despite enormous funding for homeless programs, and despite the fact that there are many individual successes, overall the system to date has not reduced homelessness.
- F6.** There is insufficient accountability for the effective use of homeless funds. While many agencies are accountable to their funding sources, primary responsibility for measuring accountability and effectiveness rests with the Community Services Agency, the Community System of Care, and the Stanislaus Homeless Alliance.

RECOMMENDATIONS

- R1.** More accountability needs to be introduced into the system. The Community System of Care, the Stanislaus Homeless Alliance, and the Community Services Agency should take the lead, demand verifiable performance, and focus funding and other resources on those agencies and organizations with demonstrable success. This should be done by jointly adopting a performance evaluation system prior to allocation of the next round of

federal homeless funding. Progress on achieving the eight goals set forth in the Stanislaus 2021 Regional Strategic Plan to Address Homelessness should be included in performance evaluations.

- R2.** More focus should be given to preventing homelessness. To the extent there are funds not earmarked for other purposes, in the budgeting process of each jurisdiction, priority should be given to allocating these funds for affordable housing, substance abuse treatment, and mental health services.
- R3.** All cities in the County should continually be encouraging the construction of significantly more affordable housing. They should evaluate their plans, procedures, and requirements with the goal of balancing community goals, standards, and aspirations with the need for affordable housing.
- R4.** All cities should report annually to the Community System of Care and Stanislaus Homeless Alliance on the steps they have taken to help produce more affordable housing.
- R5.** Subsequent civil grand juries are encouraged to monitor progress on these recommendations and consider a more in-depth investigation into efforts to produce affordable housing.

REQUIRED RESPONSES

The following responses are required within sixty days after receipt of this report per Penal Code §933 and §933.05.

- Director of the Stanislaus County Community Services Agency: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4,**
- Chairperson, Community System of Care: **F1, F2, F3, F4, F5, F5, R-1, R2, R3, R4**
- Chair, Stanislaus Homeless Alliance: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**

The following responses are required within ninety days after receipt of this report per Penal Code §933 and §933.05.

- Modesto City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Turlock City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Ceres City Council: **F1, F2, F3, F4, F5, F6, R1, R32, R3, R4**
- Riverbank City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Oakdale City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Patterson City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Newman City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Hughson City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**

- Waterford City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**

These responses shall be submitted to:

Honorable Robert B. Westbrook

Presiding Judge, Superior Court of California, County of Stanislaus

P.O. Box 3488

Modesto, CA 95353

DISCLAIMER

This case, #22-05GJ, is issued by the 2021-2022 Stanislaus County Civil Grand Jury with the following exception: a member of the jury voluntarily recused due to a potential conflict of interest. This juror was excluded from all phases of the investigation, including interviews, deliberations, voting, writing, and approval of this report. None of the information included in this report was obtained from the recused juror to prevent any potential bias in the report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Appendix A: Homeless Agencies, Non-Profits, Programs, and Services

Sources: Stanislaus 2021 Regional Strategic Plan to Address Homelessness and Civil Grand Jury Research

Emergency Shelter:

- Community Housing and Shelter Services
- Family Promise of Greater Modesto
- Modesto Gospel Mission
- Salvation Army
- Turlock Gospel Mission
- Haven's Women's Center
- We Care (Turlock)
- Turning Point
- Helping Others Sleep Tonight
- Children's Crisis Center
- Stanislaus County Affordable Housing Corporation
- Oakdale Rescue Mission
- HOST House (Patterson)
- Naomi's Place (Patterson)

Seasonal Shelter:

- Stanislaus County Housing Authority
- Stanislaus County Affordable Housing Corporation

Transitional Housing:

- Center for Human Services
- Cambridge Academy through HOST House and Naomi's Place
- Community Impact Central Valley

Rapid Re-Housing

- Center for Human Services
- Family Promise
- We Care
- WestCare
- Catholic Charities of the Dioceses of Stockton
- Community Shelter and Housing Services

Permanent Supportive Housing

- Community Housing and Shelter Services
- Stanislaus County Affordable Housing Corporation
- We Care
- Community Impact Central Valley
- Stanislaus County Housing Authority
- Turning Point

Day Center

- Modesto Gospel Mission
- Turlock Gospel Mission
- Turning Point

Shower and Laundry Services

- What Would Jesus Do Ministry

Public Agencies with programs or roles in addressing homelessness:

- Stanislaus County Community Services Agency
- Stanislaus County Health Services Agency
- Stanislaus County Behavioral Health and Recovery Services
- Stanislaus County Planning and Community Development Department
- Stanislaus County Chief Executive Office
- City of Modesto
- City of Patterson
- City of Riverbank
- City of Turlock

Appendix B: Funding Sources for Homeless Programs and Services

Sources: Stanislaus 2021 Regional Strategic Plan to Address Homelessness and Civil Grand Jury Research

Following are some of the large number of funding sources that are either targeted at or can be used for homeless services.

Federal:

- Community Development Block Grants (CDBG)
- Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH)
- Emergency Solutions Grants (ESG)
- CARES, multiple rounds of pandemic relief funds
- Department of Veterans Affairs Supportive Housing Program
- Administration for Children and Families

State of California

- CalWORKs Housing Support Program (HSP)
- California Emergency Solutions and Housing Funds (CESH)
- Homeless Coordinating and Financing Council (HCFC)
- Homeless Emergency Aid Program (HEAP)
- Homeless Housing, Assistance and Prevention Program (HHAP)
- Homeless Youth Emergency Services and Housing Program
- Human Trafficking Victim Assistance Program
- Housing and Disability Advocacy Program (HDAP)
- HomeKey Program
- Housing Opportunities for Persons with AIDS
- No Place Like Home (NPLH)



CITY OF RIVERBANK

Administration Department

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January 19, 2022

Stanislaus County Civil Grand Jury
Mr. Michael C. Herrero, Foreperson
P.O. Box 3387
Modesto, CA 95353

Mr. Herrero,

This letter is in response to your request dated January 14, 2022. We thank you for the opportunity to provide you with information related to the City of Riverbank's efforts to assist our homeless community. In February 2019, the City Council approved a Strategic Plan Objective to engage our community and non-profit organizations to partner in the development of programs and solutions to offer services to our homeless population. In August 2021 they reiterated this Objective and we are pleased that City staff have made tremendous strides towards achieving this objective. Below you will find information for the specific questions asked:

1. What direct role or programs do you offer to address homelessness in your City?

In July 2021 the City purchased a single family home that is slated to become the first homeless shelter in the City of Riverbank. The City has engaged the services of Cambridge Academies who will provide Case Management, Employment Assistance and Job Training, and Street Outreach to our homeless residents.

2. Does your city receive direct funding for addressing homelessness?

Yes, the City has received direct funding to address and assist our homeless population.

3. If so, from whom do you receive the funding?

The City has received a CA-ESG CV2 grant from Stanislaus County in the amount of \$1,029,935.58. In addition, for Fiscal Year 2021-22, the City of Riverbank was awarded a \$2,000,000 General Fund Appropriation from the State of California. This City has also used a portion of the American Rescue Plan Act Funds received from the Federal Government to make the initial purchase of the city's homeless shelter.



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4. Does the city apply for funds directly or do you apply through the Community System of Care program?

For the CA-ESG CV2 grant, the City applied directly. Both the State General Fund Grant and the American Rescue Plan Act funds were direct allocations to the City.

Thank you for this opportunity to share the efforts that our City Council has taken to address homelessness within our City. Should you have any additional questions, please feel free to reach out to me at (209) 863-7122 or via e-mail at mhgarcia@riverbank.org.

Sincerely,

Marisela H. Garcia
Interim City Manager
City of Riverbank



CITY OF RIVERBANK

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August 11, 2022

Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
P.O. Box 3488
Modesto, CA 95353

Honorable Judge Westbrook,

This letter is in response to the 2021-2022 Stanislaus County Civil Grand Jury Report for Case #22-05GJ which was provided to the City of Riverbank on June 16, 2022. The report, entitled *Homelessness: The Elusive Definition of "Success"* discusses the issue of Homelessness in our community, which is a County-wide concern and not limited to the City of Riverbank. We thank the Civil Grand Jury for their efforts to raise awareness on this issue and for providing our city with the opportunity to respond.

The City of Riverbank ("City") has reviewed the Findings and Recommendations of the report and is providing our responses below:

RESPONSE TO FINDINGS

F1. The number of homeless in Stanislaus County fluctuates from year to year but is increasing over time. This trend was exacerbated by the COVID-19 pandemic.

The City agrees partially with this finding.

The Department of Housing and Urban Development (HUD) requires that the Continuums of Care conduct an annual count of people experiencing homelessness who are sheltered and unsheltered. This count is known as the Point in Time (PIT) Count which only provides a count as of a specific day and as of a specific time frame as determined by HUD. The count is conducted by volunteers as is solely dependent upon a visual count that may or may not produce verifiable and/or consistent data from year to year therefore not providing an accurate representation of the individuals experiencing homelessness.

F2. The most significant causes of homelessness are lack of affordable housing, substance abuse, and mental health.

The City agrees with this finding.



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While lack of affordable housing, substance abuse, and mental health can be leading contributors to homelessness we also understand that this list is not inclusive of many other factors, including the lack of living wage jobs in our community.

F3. Efforts to better coordinate the system of care are underway. These include the Stanislaus Homeless Alliance at the policy level, and the Homeless Management Information System at the operational level.

The City agrees with the finding.

Riverbank participates as members of the Continuum System of Care (CSOC) and the Stanislaus Homeless Alliance (SHA) in an effort to work collaboratively with agencies throughout Stanislaus County.

F4. Since over half of the homeless each year are in the care system for the first time, efforts to prevent homelessness have not been successful enough. Without greater prevention success, homelessness cannot be reduced.

The City does not have sufficient data to agree or disagree with this finding.

F5. Despite enormous funding for homeless programs, and despite the fact that there are many individual successes, overall the system to date has not reduced homelessness.

The City agrees partially with this finding.

Over the past several years, the County has experienced an increase in funding to aid in mitigating the spread of COVID-19, some of which was specifically dedicated to homeless individuals and individuals at risk of homelessness. Funding was spent in an effort to ensure that those individuals had a safe place to quarantine, and access to supplies, including food and personal protective equipment. In addition, funding was provided to residents who needed rental and utility assistance due to the loss of their employment due to COVID-related business closures. Often funding such as this comes through with many requirements that hinder our ability to use the funds expeditiously.

The City, via funding from the CARES Act, provided assistance to non-profits who provided aid to Riverbank residents in need of rental and utility assistance. In addition, the City applied for, and was awarded, a CDBG CV-3 Grant from Stanislaus County to provide Street Outreach and Emergency Shelter Services to our homeless residents. Via a contract with Cambridge Academies, Riverbank has been providing street outreach services, which include assistance with obtaining necessary services (mental health, substance abuse, and medical) as well as applying for financial assistance and obtaining



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identifying documents (birth certificates and identification cards). American Rescue Plan Funds were used by the City to purchase our first overnight emergency shelter and funding via the County have been awarded to upgrade the shelter to provide for an Enterprise RESTART program to aid our homeless residents in transitioning away from homelessness. Recently, Mayor O'Brien was successful in obtaining the assistance and support of Senator Susan Eggman for a \$2 million grant via a direct allocation from the State of California to aid in our homelessness efforts.

F6. There is insufficient accountability for the effective use of homeless funds. While many agencies are accountable to their funding sources, primary responsibility for measuring accountability and effectiveness rests with the Community Services Agency, the Community System of Care, and the Stanislaus Homeless Alliance.

The City partially agrees with this finding.

Grant funding in itself comes with a variety of reporting requirements, whether they be quarterly or annually based on the funding source. We are required to submit information on number of individuals or homes served in order for the granting agency to document the use of funds. What may need further evaluation is how consistent the reportable data is between agencies.

RESPONSE TO RECOMMENDATIONS

R1. More accountability needs to be introduced into the system. The Community System of Care, the Stanislaus Homeless Alliance, and the Community Services Agency should take the lead, demand verifiable performance, and focus funding and other resources on those agencies and organizations with demonstrable success. This should be done by jointly adopting a performance evaluation system prior to allocation of the next round of federal homeless funding. Progress on achieving the eight goals set forth in the Stanislaus 2021 Regional Strategic Plan to Address Homelessness should be included in performance evaluations.

The City partially agrees with this finding. Please see response to Finding 6.

R2. More focus should be given to preventing homelessness. To the extent there are funds not earmarked for other purposes, in the budgeting process of each jurisdiction, priority should be given to allocating these funds for affordable housing, substance abuse treatment, and mental health services.

The City partially agrees. The Continuum System of Care, along with other State and County organizations, receive and/or provide funding on an annual basis that can be



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allocated towards homelessness prevention. These funds are available to all residents in the County and such organizations are better equipped to assist our residents in need.

R3. All cities in the County should continually be encouraging the construction of significantly more affordable housing. They should evaluate their plans, procedures, and requirements with the goal of balancing community goals, standards, and aspirations with the need for affordable housing.

The City agrees with this finding.

As required, the City encourages housing at all income levels.

R4. All cities should report annually to the Community System of Care and Stanislaus Homeless Alliance on the steps they have taken to help produce more affordable housing.

The City agrees with this finding.

Annually, the City is required to prepare an Annual Progress Report on the implementation of the Housing Element. The Report addresses the progress of the City in meeting the Regional Housing Needs Assessment housing goal. The report is submitted annually to the State and can easily be shared with the CSOC and SHA.

Once again we thank the Civil Grand Jury for their efforts to raise awareness on this issue. Should you have any questions, please feel free to contact me at (209) 863-7110. Thank you.

Sincerely,

Marisela H. Garcia
City Manager

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date:	August 23, 2022
Subject:	Workshop – American Rescue Plan Act
From:	Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider the workshop information provided by staff on the American Rescue Act and provide direction to staff and/or reach consensus as appropriate regarding the allocation of American Rescue Act funding that has been received by the City of Riverbank in 2022.

SUMMARY:

On March 11, 2021 President Joe Biden signed into law the American Rescue Plan Act of 2021 (also called the COVID-19 Stimulus Package/American Rescue Plan or ARPA). The intent of the legislation is to speed up the recovery of the Country as the United States recovers (and continues to struggle) from the effects of the COVID-19 pandemic. The funding package includes approximately \$1.9 trillion in anticipated funding. Of that amount, \$65 billion is allocated as direct aid to every City, Town, or Village across the country. The City's are split into two categories, entitlement cities (metropolitan – City's over 50,000 in population) and non-entitlement units of local government (the City of Riverbank fits into this category). For non-entitlement jurisdictions American Rescue Plan funds will be distributed by the state governments in which the City is located. The US Treasury has not yet released the guidelines on how the funds will be disbursed from the State but it is anticipated that this will be released in the very near future and presumably the City of Riverbank could draw down funds as early as June of this year.

Riverbank has been allocated **\$5,952,064.00** in funding under the legislation. Half of that funding was made available in July 2021 with the other half available as of July 2022.

Over the course of several months, the Department of the Treasury worked closely with the National League of Cities to ensure that the funds could be used by local jurisdictions in areas that were the most affected by COVID-19 including:

- Support the COVID-19 Public Health and Economic Response

- Replace Lost Public Sector Revenue
- Provide Premium Pay for Eligible Workers Performing Essential Work
- Invest in Water, Sewer, and Broadband Infrastructure
- Affordable Housing (recently added)

Within each category there is broad discretion for local communities to determine the best use of the funds to improve and recover from the impacts of the COVID19 pandemic. With that said, the Department of Treasury has stated there are five specific categories of ineligible uses which are:

- Federal Matching Requirements
- Premium Pay
- Pensions (or pension liabilities)
- Infrastructure not directly related to the American Rescue Plan/Act
- Rainy Day Funds, Financial Reserves, and Outstanding Debt

FUNDING OPTIONS:

Over the course of the past several months, Council has been strategically allocating funds to a variety of projects, including a large energy efficiency project throughout the City. To date the following projects have been funded:

ARPA PROJECTS TO DATE

PROPERTY PURCHASE - SIERRA HOUSE SHELTER	321,884.87
PROPERTY EXPENSES - JACKSON/STANISLAUS	551,416.25
COVID-19 PPE	20,339.89
COVID-19 PREMIUM PAY	197,597.48
WATER WELLS/LIFT STATION SECURITY COSTS	16,050.00
RIVERBANK ENERGY EFFICIENCY PROJECT	2,000,000.00
Total Allocated to Date	<u><u>3,107,288.49</u></u>

With the funds allocated to date, the City has \$2,844,775.51 which is unallocated. Changes to the Final Rule from the Treasury allows cities to dictate that the funds fall under the “replace lost public sector revenue”. This allows for a greater flexibility in the use of the funds other than those that were specifically listed.

To encourage the brainstorming needed to allocate the balance of the funds Council could consider some of the following concepts, some of which have been requested by City Council and by members of the public:

- Downtown and small business economic development projects and/or assistance
 - Downtown façade improvement program
- Jacob Myers Park Improvements
 - Parking Lot Upgrades
 - Future trail expansion
- Future park sites - Infill
 - Jackson/Stanslaus Site
- Infrastructure (variety of possible projects)
 - 7th Street Storm Drain
- Public Safety Improvements
 - Police Services safety fencing
- VOLT Program Grants for Residents
- Future COVID-19 Mitigation and Premium Pay

Several of these projects can be either implemented in short order (i.e. Police Services safety fencing) or brought forward to Council for consideration should there be direction and/or concurrence.

ATTACHMENTS:

None

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.4

SECTION 11: NEW BUSINESS

Meeting Date:	August 23, 2022
Subject:	Designation of New Voting Delegate and Alternate(s) to Attend the 2022 League of California Cities Annual Conference
From:	Marisela H. Garcia, City Manager
Submitted by:	Gaby Hernandez, City Clerk/LRA Secretary

RECOMMENDATION

It is recommended that City Council designate Vice Mayor Cal Campbell as the Primary Voting Delegate and vote on an alternate delegate. They will attend the 2022 League of California Cities Annual Conference and Expo, to be held in Long Beach on September 7-9, 2022, and to participate in the Annual Business Meeting for the consideration of resolutions that establish Cal Cities policy. The City Council is to ratify the designations by roll call vote.

SUMMARY

At the last City Council Meeting held on July 26th, 2022, Council voted to appoint Mayor O'Brien as the Primary voting Delegate and Vice-Mayor Campbell as the alternate for the Annual Conference. The voting takes place at The Annual Business Meeting which is held during the General Assembly on Friday, September 9th. Mayor Richard O'Brien will not be in attendance for the entirety of the Conference, departing prior to the General Assembly. Annually, the League of California Cities requests that the City Council act in order to participate in the Annual Business Meeting by designating a Voting Delegate, and to appoint one or two alternates. Participation in the meeting ensures that Riverbank Officials have an opportunity to initiate and influence policy decisions by voting on resolutions that establish League policy.

The designated Voting Delegate and alternate(s) must be registered for the conference. Council's selection of the Voting Delegate and alternate(s) will be reported to Cal Cities. The current Cal Cities Central Valley Executive Committee representatives are Mayor O'Brien as the primary member and Vice Mayor Campbell as the alternate.

FINANCIAL IMPACT

Conference registration is \$600, plus travel and hotel accommodations per attendee.

ATTACHMENTS

No Attachments