

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Council/Authority Members

District 1 - Luis Uribe

District 2 - Rachel Hernandez

District 3 - Leanne Jones Cruz

District 4 - Darlene Barber-Martinez



CITY OF RIVERBANK

Regular City Council and Local Redevelopment Authority Board Meetings

Council Chambers, 6707 Third St.

Suite B

Riverbank, CA 95367



TUESDAY, FEBRUARY 14, 2023 – 6:00 P.M.

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

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)- No Presentations Scheduled.

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 January 24, 2023 City Council and Local Redevelopment Authority Board Minutes.

Item 9.3 **A Resolution** Adopting by Reference Fair Political Practices Commission Title 2, Division 6, California Code Sections 18730 and 18730.1; the 2023 Conflict of Interest Code List of Designated City Positions; and the Related Economic Interest Disclosure Categories.

Item 9.4 **A Resolution** Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing its Disposition.

Item 9.5 **A Resolution** to Award Bid for the Claus Road Curb & Sidewalk Project to Hensley's Paving & General Engineering Inc. and Authorize Execution of Future Change Orders

10. PUBLIC HEARING – No Items Scheduled.

11. NEW BUSINESS

Item 11.1 **A Resolution Appropriating funds for the 2022 Cheese & Wine Festival-** It is recommended that the City Council consider the approval of a Resolution to appropriate funds for the 2022 Cheese & Wine Festival.

Item 11.2 **2023 Cheese & Wine Festival Options-** It is recommended that the City Council consider the options for the 2023 Cheese & Wine Festival and give staff direction.

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

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.

Item 13.1 **CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION**
(Pursuant to Government Code § 54956.9)
Number of Cases: 1 Potential Case

Item 13.2 **LIABILITY CLAIMS**
(Pursuant to Government Code § 54961)
Claimant: Henry S. (Mic) Meeks, Advanced Materials and Manufacturing Technologies, LLC
Agency Claimed Against: City of Riverbank

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION

(Pursuant to Government Code § 54956.9)
Number of Cases: 1 Potential Case

Item 14.2 Report from Closed Session **Item 13.2**

LIABILITY CLAIMS

(Pursuant to Government Code § 54961)

Claimant: Henry S. (Mic) Meeks, Advanced Materials and Manufacturing Technologies, LLC

Agency Claimed Against: City of Riverbank

15. ADJOURNMENT

- The next regular City Council meeting will be on February 28th, 2023 at 6:00 p.m.
- *Happy Valentine's Day! ♥*

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 City Hall public exterior bulletin board, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 9th Day of February, 2023

/s/ *Gabriela Hernandez, City Clerk*



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 CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- 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 public if anyone wishes to comment, at that time you may approach the podium.
- **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/89944541462>

- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 899 4454 1462**
- Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 899 4454 1462**

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. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	February 14, 2023
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:	February 14, 2023
Subject:	Approval of the January 24, 2023 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 January 24, 2023, as presented.

SUMMARY

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

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

1. The January 24, 2023 City Council and Local Redevelopment Authority Board Minutes.

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/ Chair (CM-D2) Rachel Hernandez
Council/Authority Members:
District 1 -Luis Uribe
District 3- Leanne Jones Cruz
District 4 -Darlene Barber-Martinez



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**

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



MINUTES

TUESDAY, JANUARY 24, 2023 – 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** – A Roll Call of councilmembers was done by the City Clerk.

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 3 Leanne Jones Cruz
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair (CM-D2) Rachel Hernandez
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

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 **Recognition Years of Service to Eddie Negrete-** It is recommended that the City Council read and present the Recognition for Years of Service to Eddie Negrete, Former Troop Leader for The Boy Scouts of America Pack 0010.

Mayor O'Brien presented Eddie Negrete with a Certificate of Recognition for his years of service to the Boy Scouts of America Pack 1100 on behalf of City Council.

Item 7.2 **Presentation Project Resolve-** It is recommended that City Council receive a presentation from Kate Trompetter with Project Resolve.

Kate Trompetter gave a Power Point Presentation before City Council and community regarding Project Resolve.

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 Opened Public Comment at 6.22 P.M.

Ramon Bermudez, Riverbank Resident commented on the avenues of Patterson and Palmer Roads and the flooding on Sierra Street, I've been here times before to plead that flood on Sierra be addressed. Now it is the flooding on Patterson that worries me, it has been flooding for several years, and only recently the city has started coming over and draining. My concern is with children and the school bus stop, the owner of the taco truck on the corner, she said that she once saw when the kids got off the bus, one kid pushed another one into the water, that is not necessary, if there was a sidewalk that they could walk on both sides of the street, but of course not, it is flooded all the way up to the properties, it's a shame. I would like and I would love to help that drain, in the name of three other people that are directly affected. If you can do something about the alley from Callander Avenue to Parsley Lane across from the theater, the three or four houses before Parsley, there is really nice space road because of the houses, the rest are horrible because of the potholes.

Jacob Faulder, Representative on behalf of Senator Marie Alvarado-Gil, informed the City Council that the Senator is looking forward to working with the City of Riverbank in the future if there is any assistance we can provide to residents in terms of constituent services, please feel free to reach out to our office. I will also be providing legislative updates, and provide a brief update on what the Senator has been up to since she was sworn in on December 5th. She has been touring nine of the thirteen counties in her district, her focuses here will be on Fire Insurance Reform, Water Storage and Preventing Early Release for violent criminals. She will be serving as chair on the Human Services Committee, Member of the Agriculture, Veterans Affairs, Business Professions and Finance, Insurance and Governmental Insurance Committees.

Residents who spoke in opposition of the Riverwalk Project

*Karen Conrotto, Modesto Resident
Jamie Aggers, Modesto Resident*

There being no further public comments, Mayor O'Brien closed the Public Comment period at 6:33 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 January 10, 2023 City Council and Local Redevelopment Authority Board Minutes.
- Item 9.3** **A Resolution 2023-004** Accepting the Public Improvements for DMG Development, LP for Crossroads West Unit 1.
- Item 9.4** **A Resolution 2023-005** Approving a Reimbursement Agreement with DMG Development, LP Regarding City Payment for Joint Trench Work Along Oakdale Road, in Connection with the Crossroads West Specific Plan.
- Item 9.5** **Second Reading** by Title Only of a Proposed **Ordinance 2023-001** Amending Title XV: Building Regulations, Adoption of Standard Codes, by repealing in their entirety Sections §150.01 ADMINISTRATIVE CODE through §150.16 SOLAR /PHOTOVOLTAIC POWER SYSTEMS, and substituting them with new Sections §150.01 through §150.16 and Adopting by Reference the 2023 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing Energy, Existing Building, Historical Building, Fire, and Green Building Standards and Solar/Photovoltaic Power Systems; and Amending Title XV: Land Usage, Chapter 157: WATER EFFICIENT LANDSCAPE AND IRRIGATION; Section 157.01: Purpose and Intent.
- Item 9.6** **Second Reading** of the Summerfair Rezone **Ordinance 2023-002**. The Project site address is 6448 Claus Road (APN: 062-020-001).
- Item 9.7** **Second Reading** by Title Only of a Proposed **Ordinance 2023-003** Amending Title XV: Section §153.003, DEFINITIONS, Section §153.031, USES PERMITTED, Section §153.046, USES PERMITTED, Section §153.061, USES PERMITTED, Section §153.067, USES PERMITTED, and adding Sections §153.170 through §153.177 related to Tiny House Villages.

Mayor O'Brien Opened Public Comment at 6:36 P.M.

City Clerk Hernandez stated the following; Draft minutes should reflect Councilmember Luis Uribe was appointed as the Primary for the Stanislaus OES Disaster Council.

The Canceled Meetings for the 2023 year should reflect as July 11th not July 8th, and August 8th not August 11th.

Mayor O'Brien Closed Public Comment at 6:36 P.M.

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

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez 5/0) to approve the consent calendar with changes.*

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

AYES: Uribe, Hernandez, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

10. PUBLIC HEARINGS- No Hearings Scheduled.

11. UNFINISHED BUSINESS

Item 11.1 **Thunderbolt Wood Treating Waiver or Reduction Request for System Development Fees-** It is recommended that Council review this report and attached materials, and consider the request of the Lovalvo Family Trust (d.b.a. Thunderbolt Wood Treating, Inc) to waive or reduce the payment of system development fees on a new building permit.

Building and Planning Manager Kenney introduced the item and gave a comprehensive staff report and Power Point presentation on the Waiver or Reduction Request for System Development Fees requested by Thunderbolt Wood Treating.

City Council discussed item with City Staff.

Norik Naraghi, Attorney for the Lovalvo Family Trust stated the item is on the agenda tonight because the city assessed nearly (\$400,000) four hundred thousand dollars in system development fees as a condition to issuing the building permit for the installation of the cover, which is an amount almost the cost of the entire project itself. As addressed in a letter on December 1st, which is attached as attachment 4 to the Staff Report, the law clearly states that under these circumstances, when the project has no impact on city facilities or services, impact fees such as the city system development fees are not allowed. Impact fees can only be charged when the project places a new burden on the city's facility, here not only does the project not place a burden on the city, all the evidence shows this project will provide substantial water conservation and environmental benefits. To understand the benefits and the purpose behind installing the metal cover requires an understanding of Thunderbolt's Storm Water Management System. Currently Thunderbolt captures rainwater that comes into contact in the treatment area and retains it in holding tanks. Since the water contains chemical residue, the reclaimed water can only be reused in one specific process in the wood treating plant, and not in the other treatment processes that occur in other areas of Thunderbolt's facility. Which leaves Thunderbolt having to store much more water than it could possibly reuse in the foregoing treatment process, which in turn creates a bottleneck in the system. Since the proposed metal cover will capture the runoff from rainfall before it comes into contact with the chemical residue within the treatment area, the clean water can be stored, used and reused in other areas of Thunderbolt's treatment process. Significantly aiding Thunderbolt's ongoing water conservation efforts and minimizing, if not eliminating, its reliance on its wastewater discharge permit from the city. But it allows Thunderbolt to dispose of treated storm water to the city sewer as a back up measure. Since the installation of the metal cover will not impose any additional impacts on city facilities or services, and in fact it will only result in numerous benefits to the city and the landowner, there is no doubt the city is legally prohibited from imposing these fees and we request council follows staff recommendation and waive all system development fees originally applied to this building permit.

Building & Planning Manager Kenney clarified, when the building permit set was submitted for the building permit, we just got the standard plans that come with the building itself. So, we have nothing that documents how the water will be captured and routed to their system. We would like to have them submit, some documentation showing that process, so we have that for our files.

Mayor O'Brien stated, that we need to make sure they do that.

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 approve **Resolution 2023-006** to waive the System Development Fees for Thunderbolt Wood Treating, Inc.*

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

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

NAYS: None / ABSENT: None / ABSTAINED: None

12. NEW BUSINESS

Item 12.1 **A Resolution Approving an Agreement between the City of Riverbank and the Riverbank Unified School District for School Resource Officer Services and Authorizing the City Manager to Finalize and Execute said Agreement-** *It is recommended that the City Council consider adopting a Resolution that would approve an agreement between the City of Riverbank and Riverbank Unified School District for School Resource Officer (SRO) services.*

City Manager Garcia and Barbara Brown, Director of Business Services with Riverbank Unified School District gave a comprehensive staff report on the agreement between the City of Riverbank and the Riverbank Unified School District for a School Resource Officer.

City Council discussed item with Staff.

Ramon Bermudez, Riverbank Resident commented on his feelings and opposition of having to put a police officer in the schools. Last year, there was a shooting in Texas with school children and two teachers. They have the reports of police, being there. They didn't go in there, even though they were in time. They were afraid, they might get shot. And they were there at the door, they were afraid the shooter was on the other side of the door and they might get shot and killed. There were no heroes that day. I don't think having a police officer, will resolve these types of things. And the small stuff can be taken care by the school, not having a police officer, but a guard, or guard duty. That pretty much has the same roles, except arresting. It can be a counselor, it can be a teacher, it can be a friend of the students that are in trouble and try and get them out of their shell and so on. But a Police officer, I believe no. It can be a security guard for the school, with knowledge and course educated. Let it be a civilian, no uniform belongs in a school.

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

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez 3/2) to approve **Resolution 2023-007** an Agreement between the City of Riverbank and The Riverbank Unified School District for a School Resource Officer Services.*

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

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 12.2 **A Resolution to Authorize the City Manager to submit application for grant funding under the California Department of Water Resources 2022 Urban Community Drought Relief Program.** - It is recommended that a grant application be prepared for design and construction of a Nitrate treatment system for the City's Well No. 10 to be submitted to the California Department of Water Resources through the 2022 Urban Community Drought Relief Grant Program. Proceeding with designing and constructing wellhead treatment for Nitrate at Well No. 10 has been identified to be necessary following the test pumping that was authorized by the City Council on June 14, 2022, City Council meeting and as presented to the City Council on September 13, 2022.

Public Works Director Bridgewater gave a Comprehensive Staff Report and Power Point Presentation on the Nitrate Treatment System for the City's Well No. 10 to be submitted to the California Department of Water Resources through the 2022 Urban Community Drought Relief Grant Program.

City Council discussed item with Staff.

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

ACTION: *By motion moved and seconded (Uribe / Hernandez 5/0) to approve **Resolution 2023-007** authorizing the City Manager to submit application for grant funding under the California Department of Water Resources 2022 Urban Community Drought Relief Program.*

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

AYES: Uribe, Hernandez Jones Cruz, 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 items:

- *Thursday, Stanislaus County will be holding its Point in Time Count (PIT Count) of unsheltered residents throughout Stanislaus County. City of Riverbank will be participating in that as well. Will be meeting at Scout hall at 8:00 a.m., if you happen to see any unsheltered or homeless residents in need of a hot breakfast and a warm place to stay for a couple of hours, please refer them to our Scout Hall which is located at 3017 High Street. We will have some hot beverages and some hot breakfast. It will help us gather data that we need in order to receive additional funding, whether it be from the state or the federal government in order to provide assistance to our homeless residents.*

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- *It's a pleasure to be here, sorry I've been under the weather and was not at the last council meeting. But back at it, and getting things done. I appreciate being here and all of you being here,*

Councilmember Uribe reported on the following:

- *On Wednesday, January 18th we had some significant graffiti at Castleburg Park. Fortunately, the wall at the snack bar with the mural was not tagged, so I would like to ask Council maybe consider that moving forward, and look at all our parks and maybe look at any open blank walls maybe we can add a mural, to prevent this kind of activity, would be appreciated.*

Councilmember Barber-Martinez reported on the following:

- *Attended a webinar hosted by the League of Cal Cities regarding cannabis and the new regulations for economic development.*
- *Will be attending the Public Safety Policy Committee meeting this Thursday, the focus will be to address the fentanyl crisis.*
- *Quote from Martin Luther King, "Darkness cannot drive out Darkness, only light can do that. Hate can not drive out hate, only love can do that." Just thinking of all the shootings that we've had in our nation, and just think about what we've had in just this year. We've gotten away from the fact that we should be trying to love our neighbors, and we do not think about that anymore. So, Love your neighbor!*

Vice Mayor Hernandez reported on the following:

- *Would like to congratulate HotWorx on their ribbon cutting and grand opening. The family had a family emergency, so they've been closed this week. We wish them well.*
- *This last week, I attended a Cal Cities conference for newly elected. I was elected during Covid, so I did not get to attend. But this year, I connected with elected from across the state, or across northern California, who were elected in November. I was very excited to see a lot of young people, like 24/25-year-old Mayors and councilmembers. I was feeling like the older of the young people. Excited to build relationships with them, it was a really good conference.*
- *It is with a bittersweet sentiment, that I wish you all Happy lunar New Year, with all shooting that happened in Monterey Park and ongoing shootings, but I want to emphasize that we need to be really proactive and creative in how address*

our issues and things that aren't exacerbated, here in our city fortunately, but we have an opportunity to address.

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- Would like to know on all our housing for the homeless all of our initiatives, if I can get brief on that. For the public, that way we all know, Tiny Homes, Sierra House, is that open for business. Not yet, we are passed November. I would like to know where we are, what our deadlines are, and what can we do to meet those deadlines.*
- Also, would like to know initiatives for those who are homeless and with vehicles. What are we doing to help them out?*
- The Stanislaus Housing Authority (SHA) would like to meet with them, to get our Community Center for the seniors, that plan moving and any other additional that we can have. Such as, community restrooms downtown and maybe build them and have the business maintain them. So, they don't have infusion into their restrooms, that are not customers.*
- There is new funding for Parks for expansion, would like to see us apply for that. There are \$6 million in grants, in matching funds, that you have to have for that. But Jacob Myers Park expansion, the 92 acres to the west or whatever we are going to determine with the Army Corps of Engineers, would like to have that looked at. If we can see what the cost is, apply for whatever fifty percent of that is, that the state or federal government can help with the cost of that.*

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.

Item 13.1 **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**
Significant Exposure to Litigation, pursuant to Gov. Code § 54956.9(d)
Number of Potential Cases: 1

There being No Public Comment, Mayor O'Brien adjourned to Closed Session at 7:24 P.M.

Reconvened from Closed Session at 7:31 P.M.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session on **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Significant Exposure to Litigation, pursuant to Gov. Code § 54956.9(d)
Number of Potential Cases: 1

ACTION: *Direction has been provided to staff.*

14. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:31 P.M. to the next regular scheduled City Council / LRA Meeting of February 14, 2023 at 6:00 p.m.

ATTEST: (Adopted 2/14/2023)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/ Chair

DRAFT

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date: February 14, 2023

Subject: A Resolution Adopting by Reference Fair Political Practices Commission Title 2, Division 6, California Code Sections 18730 and 18730.1; the 2023 Conflict of Interest Code List of Designated City Positions; and the Related Economic Interest Disclosure Categories

From: Marisela H. Garcia, City Manager

Submitted by: Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that City Council adopt the Resolution to amend the City's Conflict of Interest Code.

SUMMARY

The Political Reform Act (Government Code Sections 81000-91014) requires local government officials and certain employees to publicly disclose their personal assets and income. They must also disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

Local government agencies must adopt a local Conflict of Interest Code ("Code"). This Code must designate positions that make or participate in the making of decisions which may foreseeably have a material effect on any financial interest. This Code must be reviewed biennially to determine if it is accurate or if it requires amending, as determined by the City Attorney, to include positions that are at a level of which recommendations and/or decisions made by the position may foreseeably have a material effect on economic interests.

The City's existing Code currently requires the addition of the following positions and the level of full disclosure:

DESIGNATED POSITION:	DISCLOSURE CATEGORIES (**Refer to Exhibit-B)
Assistant Finance Director	1, 2, & 3
Associate/Assistant Planner	2
Senior Management Analyst	2
Senior Project Coordinator	2
Senior Building Inspector	2 & 3
Senior Construction Inspector	2 & 3

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

1. Resolution 2023-
2. Exhibit-A and Exhibit-B
3. FPPC Title 2, Division 6, California Code Sections 18730 and 18730.1

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, ADOPTING BY REFERENCE FPPC TITLE 2, DIVISION 6,
CALIFORNIA CODE SECTIONS 18730 AND 18730.1, AND THE 2023 CONFLICT OF
INTEREST CODE LIST OF DESIGNATED CITY POSITIONS AND THE RELATED
ECONOMIC INTEREST DISCLOSURE CATEGORIES**

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

WHEREAS, under the Political Reform Act (“Act”), Government Code Section 81000, et seq., requires all public agencies to adopt and publicize a Conflict of Interest Code (“Code”); and,

WHEREAS, the Act provides the main body of the Code and includes such provisions as the manner to report financial interests, the disqualification procedures, and when to file a report; and,

WHEREAS, the Act provides that the Code must designate City positions for which a Statement of Economic Interests, Form 700, must be filed; and,

WHEREAS, the Form 700 is a public document intended to alert public officials and members of the public to the type of financial interests that may create conflicts of interests when participating in the decision-making process; and,

WHEREAS, the Act provides that the Code must assign disclosure categories specifying the types of interests to be reported by employees serving in the designated positions; and,

WHEREAS, the City of Riverbank will continue to incorporate by reference the standard Conflict of Interest Code model adopted by the Fair Political Practices Commission (FPPC), Title 2, Division 6, California Code Sections 18730 and 18730.1, and amendments to it, which will minimize the actions required by the City Council to keep its Code in conformity with the Political Reform Act; and

WHEREAS, the designated list of positions attached herein as **Exhibit A**, is hereby amended to include all current designated City positions as determined by the City Attorney; and,

WHEREAS, the corresponding disclosure categories herein attached as **Exhibit B** shall be used by the employees serving in those designated positions to determine the level of disclosure required in filing a FPPC Statement of Economic Interests, Form 700.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare, determine, and order as follows:

1. The terms of Title 2, Division 6, Sections 18730 and 18730.1 of the California Code and any amendments to it duly adopted by the FPPC, along with the attached **Exhibit A and Exhibit B** in which designated positions and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Riverbank.
2. Persons holding designated positions listed in the Code shall file Statements of Economic Interests, Form 700, pursuant to the Code; with the City Clerk, who shall be deemed the FPPC Filing Officer and who shall make the statements available for public inspection or reproduction.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of February, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachments: Exhibit A – 2023 COI Designated Positions
Exhibit B – 2023 COI Disclosure Categories
Copy of FPPC Title 2, Division 6, California Code of Regulations § 18730 and § 18730.1

EXHIBIT – A

**CITY OF RIVERBANK
2023 CONFLICT OF INTEREST CODE DESIGNATED CITY POSITIONS
REQUIRED TO COMPLETE AN FPPC FORM 700**

DESIGNATED POSITIONS:	DISCLOSURE CATEGORIES (Refer to Exhibit-B)
Accounting Manager	2
Administrative Analyst II	2
Administrative Analyst II/Human Services Specialist	2
Assistant City Manager/Administrative Services Director	1, 2, & 3
Assistant Finance Director *	1,2, & 3
Associate/Assistant Planner *	2
City Clerk	2
Chief of Police	1, 2, & 3
City Mechanic	2
Consultants	1, 2, & 3
Development Services Administration Manager	1, 2, & 3
Director of Finance	1, 2, & 3
Director of Parks and Recreation	1, 2, & 3
Executive Director of the Local Redevelopment Authority	1, 2, & 3
Housing & Economic Development Specialist II	2
Human Resources Manager	2
Human Resources Analyst	2
Parks and Facilities Supervisor	2 & 3

An Added COI Designated Position *

EXHIBIT – A

Planning and Building Manager	1, 2, & 3
Project Coordinator	2
Public Works Director	1, 2, & 3
Public Works Director/Interim LRA Director	1, 2, & 3
Public Works Superintendent	1, 2, & 3
Public Works Supervisor	2 & 3
Recreation Supervisor	2
Senior Building Inspector *	2 & 3
Senior Construction Inspector *	2 & 3
Senior Management Analyst *	2
Senior Project Coordinator *	2
Wastewater Treatment Plant Supervisor	2 & 3
Water Supervisor	2 & 3
Riverbank Designated Local Authority	1, 2, & 3
Riverbank Successor Oversight Board	1, 2 & 3

EXHIBIT – B

CONFLICT OF INTEREST CODE ECONOMIC INTEREST DISCLOSURE CATEGORIES

By virtue of the designated employee's position, an investment, interest in real property, or income (including gifts, loans, and travel payments) must be reported on Economic of Interests Statement Form 700 if the business entity in which the investment is held, the interest in real property, or the income or source of income may *foreseeably affect* the employee's economic interests through the participation of collectively making a decision or individually making the decision.

City employees serving in the designated positions as listed in **Exhibit-A** must disclose their economic interest(s) pursuant to the following corresponding disclosure category/categories as follows:

DISCLOSURE CATEGORIES

Disclosure Category – 1:

- a) All interest in real property, which are located in whole or in part within the City.
- b) Investment in or incomes from persons or business entities engaged in the business of acquisition or disposal of real property within the City.

Disclosure Category – 2:

- a) Investments in any business entity, which within the last two (2) years, has contracted, or disposal of real property within the City.
- b) Income from any source which, within the last two (2) years has contracted, or foreseeably in the future may contract with the City of Riverbank to provide services, supplies, materials, machinery, or equipment to the City of Riverbank.
- c) Status as a director, officer, sole owner, partner, trustee, employee, or holder of a position of management in any contracted or in the foreseeable future, may contract with the City of Riverbank to provide services, supplies, materials, machinery, or equipment to the City of Riverbank.
- d) Investments and income otherwise reportable under paragraphs a) and b) of category 2, shall not be reportable unless the total amount or all contracts by the business entity to provide services, supplies, materials, machinery, or equipment to the City of Riverbank was more than \$1,000.00 in the prior calendar year, or unless the total amount of all foreseeable contracts by the business entity to provide services, supplies, materials, machinery, or equipment to the City of Riverbank will be more than \$1,000.00 in the next calendar year.

EXHIBIT – B (continued)

Disclosure Category – 3:

- a) Investment in any business entity, which within the last calendar year has been regulated by the City of Riverbank or foreseeably, may be regulated by the City of Riverbank in the next calendar year.
- b) Each source of income, provided that the income was furnished by or on behalf of any business entity, which within the last calendar year has been regulated by the City of Riverbank or foreseeably may be regulated by the City of Riverbank in the next calendar year.
- c) Status as a director, officer, sole owner, partner, trustee, employee, or any position of management in any business entity, which within the last calendar year has been regulated by the City of Riverbank, in the next calendar year.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730.1. Conflict of Interest Code: Reporting of Gifts.

Nothing contained in an agency's conflict of interest code shall be interpreted to require the reporting of gifts from outside the agency's jurisdiction if the purpose of disclosure of the source of the gift does not have some connection with or bearing upon the functions or duties of the position for which the reporting is required. Nothing in this language is intended to create an inference that all gifts within the jurisdiction are reportable.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 87100, 87103, 87207, 87300, 87302, 87309 and 89503, Government Code.

HISTORY

1. New section filed 10-3-2012; operative 11-2-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 40).

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's

disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
- 2. A loan that would otherwise not be a gift as defined in this title.
- 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
- 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made.

The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,

nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date: February 14, 2023

Subject: A Resolution Declaring Certain Property Surplus as Listed in Exhibit A and Authorizing Its Disposition

From: Marisela H. Garcia, City Manager

Submitted by: Cody Bridgewater, Public Works Director/ Interim LRA Director

RECOMMENDATION

It is recommended that the City Council approve a resolution declaring the property listed in Exhibit A as surplus property and authorize its disposal as stated in §36.03 of the Riverbank Code of Ordinances.

SUMMARY

Over the past several years new vehicles and equipment have been purchased and/or leased. Therefore, the equipment/vehicles being replaced no longer serve a purpose to the City. It is now appropriate to surplus the property. The City will follow procedures stated in Section 36.03 Disposition of Unclaimed and Surplus Property of the Riverbank Code of Ordinance to properly dispose of the items.

BACKGROUND

As per Section 36.03 of the Riverbank Code of Ordinances the Finance Director, after receiving surplus approval from the City Council, has the ability to dispose of the equipment through a negotiated sale, public sale, abandonment, destruction or donation to public bodies, charitable, civil or nonprofit organizations in the city.

Therefore, it is recommended that the City Council consider adopting a Resolution declaring the property listed in Exhibit A as surplus equipment and approve the sale of these items through auction or negotiated sale.

FINANCIAL IMPACT

Proceeds from the sale will be credited to the appropriate funds.

ATTACHMENTS

1. Resolution 2023-
2. Exhibit A

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA DECLARING CERTAIN PROPERTY SURPLUS AS LISTED IN EXHIBIT
A AND AUTHORIZING ITS DISPOSITION**

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

WHEREAS, The City of Riverbank Finance Department has determined that the items presented in Exhibit A herein attached, are obsolete and no longer serve a City need; and,

WHEREAS, the City desires to dispose of this property; and,

WHEREAS, the property will be properly disposed of pursuant to the City of Riverbank Code of Ordinance Section 36.03.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby recognize the property identified on the preceding Exhibit A: Surplus Property form as obsolete and declares it surplus property.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of February, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A-List of Surplus Property

EXHIBIT A
LIST OF SURPLUS PROPERTY

ID	Year	Make	Model	VIN	Dept
129	1998	Ford	F150	1FTZF1769WNA78679	
130	1998	Ford	F150	1FTZF1765WNA78680	
107	1993	Ford	F350	2FDKF37H6PCA94808	
137	2001	Ford	F150	1FTPF17M21KB84018	
147	2003	Chevrolet	Silverado 2500	1GCHK24U73Z209743	
149	2006	Chevrolet	Silverado 1500	1GCEC14T46Z124462	
150	2006	Chevrolet	Silverado 1500	1GCEC14T26Z123276	
151	2006	Chevrolet	Silverado 3500	1GBJC34DX6E140292	
152	2006	Chevrolet	Silverado 2500	1GCHC29U76E213177	Parks
153	2006	Chevrolet	Silverado 2500	1GCHC29U16E214325	
154	2006	Chevrolet	Silverado 3500	1GBJC34U46E173966	
155	2007	Chevrolet	Silverado 1500	1GCEC14V77Z173755	
156	2007	Chevrolet	Silverado 1500	1GCEC14V37Z176135	
160	2008	Chevrolet	Silverado 1500	1GCHK29668E151021	Water
162	2010	Chevrolet	Silverado 1500	1GCSKSE32AZ286948	Sewer
A-5	2007	Honda	Civic	1HGFA465X7L000194	Admin
B-2	2001	Dodge	Dakota	1B7FL26X01S351496	
B-3	2001	Dodge	Dakota	1B7FL26X21S172800	
B-4	2004	Chevrolet	Silverado	1GCEC14XX4Z319059	
B-5	2007	Chevrolet	Silverado	3GCEC14V07G155288	
200	1975	Caterpillar	920 Loader	78P10842	WWTP
210	2016	Zero	Motorcycle	538SD9Z27GCB06566	SO
211	2016	Zero	Motorcycle	538SD9Z29GCB06567	SO
212	2016	Zero	Motorcycle	538SD9Z24GCB07044	SO
143	2002	Chevrolet	W4500	4KBC4B1R52J803706	Parks
142	2002	Chevrolet	W4500	4KBC4B1R12J803704	Streets
A-3	2002	Honda	Civic	EN26592L000426	Admin
	2006	Liquid Asphalt Trailer	PM210T	1D9PM113-6-61004278	Streets
		Wells Cargo	Trailer	1WC200G28P4015393	Parks
99-8	1999	Chevrolet/Collins	Bus	1GBHG31R3X1020491	Parks
130				1FTZF1765WNA78680	Parks
177	2001	American Signal	Sign Trailer	1A9AS232312228513	Streets
100	2008	Pace	Trailer (DUI)	4P2WB20248U088754	SO
157	2006	American LaFrance	Condor	5SXHANDN47RY16453	Sewer
PW-25	1999		747-4000R	(SN) 1S9111920X4381063	Sewer
St 210	1990	Eagle Pitcher	Forklift	49A03122	PW
	2008	Kawasaki	Mule 410	JK1AFEC1078504593	Parks
76	1983	Case	Vibro Max Roller	840034409	Streets
		Construction Attachment	CAL1000	CAL70V122	Streets
		Woods	BB60X Mower Attachment	1111155	Parks
		Pull behind disc			WWTP
	2013	Xtreme Green	UTV	A5XU574TTCL006161	LRA
	2013	Xtreme Green	UTV	A5XU574TTCL006160	LRA
279	1994	Yamaha	Golf Cart	JG5-300214	Parks

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date:	February 14, 2023
Subject/ Title:	A Resolution to Award Bid for the Claus Road Curb & Sidewalk Project to Hensley's Paving & General Engineering Inc. and Authorize Execution of Future Change Orders
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Senior Project Coordinator

RECOMMENDATION

It is recommended that City Council approve two (2) actions by a roll call vote:

1. Adopt a Resolution to Award bid to the lowest responsible bidder, Hensley's Paving & General Engineering Inc.; and
2. Authorize the City Manager to execute Change Orders within total project budget.

SUMMARY

The City of Riverbank will use Measure L Bike & Pedestrian funds, to install pedestrian improvements along Claus Road on the west side between the railroad tracks and Sierra Street. The scope of work includes constructing curb, gutter and sidewalks where sidewalks don't exist and upgrading ramp to be compliant with the American with Disabilities Act (ADA). The purpose of the project is to ensure the safety of the traveling public and promote a safe and walkable corridor as well as meet necessary ADA requirements.

The bid opening was held on Tuesday, January 17, 2023 to consider the bids for the Claus Road Curb & Sidewalk Project. The following bids were received:

Hensley's Paving & General Engineering Inc.	\$147,806.00
Paulson Cox Construction Inc.	\$179,000.00
George Reed, Inc.	\$181,644.00
United Pavement Maintenance, Inc.	\$197,250.00
Consolidated Engineering Inc.	\$204,821.80

Sinclair General Engineering Construction Inc.	\$216,940.22
FBD Vanguard Construction, Inc.	\$260,250.70

Work on the project includes, but is not limited to, furnishing all labor, materials, equipment, transportation, and incidentals necessary for traffic control box re-alignment/re-wiring, asphalt paving, curb, gutter, sidewalk, striping, traffic control and all other work included on the plans for the above-mentioned project. Bids are required for the entire work described herein.

Bids have been reviewed and Hensley's Paving & General Engineering, Inc. has been identified as the lowest responsible bidder for the project.

Staff originally budgeted \$130,778.00, (\$112,778.00 for Construction and \$18,000.00 for Preliminary Engineering) from Measure L Funds – Bike & Pedestrian for this project. The low bid came in higher than anticipated at \$147,806.00 but fortunately the City has reserve funds available in Measure L to cover the additional costs plus 10% contingency of \$49,809.00 without jeopardizing any other current projects scheduled with Measure L funds.

It is also requested that the City Council provide the City Manager authorization to execute Change Orders if they are within total budget.

FINANCIAL IMPACT

Funding has been programmed for this project with Measure L Funds – Bike & Pedestrian \$180,587.00 (\$130,778.00 already programmed and \$49,809.00 additional funds being requested).

ATTACHMENT

- 1) Resolution 2023-
- 2) Site Map

CITY OF RIVERBANK

RESOLUTION 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO AWARD A CONTRACT FOR THE CLAUS ROAD CURB & SIDEWALK PROJECT WITH HENSLEY'S PAVING & GENERAL ENGINEERING, INC. IN THE AMOUNT OF \$147,806.00, AND AUTHORIZE THE CITY MANAGER TO EXECUTE SAID CONTRACT AND APPROVE THE CHANGE ORDERS UP TO THE PROJECT CONTINGENCY FUND OF \$14,781.00

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

WHEREAS, the Claus Road Curb & Sidewalk Project includes work to construct all curb, gutter, sidewalk, traffic control box re-alignment/re-wiring, asphalt paving, striping, traffic control; and

WHEREAS, the City published a Notice to Bidders inviting interested bidders to submit their sealed bids for the Project; and

WHEREAS, on January 17, 2023, the City of Riverbank received seven (7) bids and publicly opened and read the bids; and

WHEREAS, the apparent responsive and responsible low bidder is Hensley's Paving & General Engineering, Inc., in the amount of \$147,806.00; and

WHEREAS, staff also recommends that the City Council approve a project contingency of \$14,781.00 for the Project to fund additional work as needed during renovation and construction.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves a contract with Hensley's Paving & General Engineering, Inc., in the amount of \$147,806.00; and

AND NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Riverbank authorizes the City Manager to execute said contract and approve change orders up to the project contingency funds of \$14,781.00.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of February, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

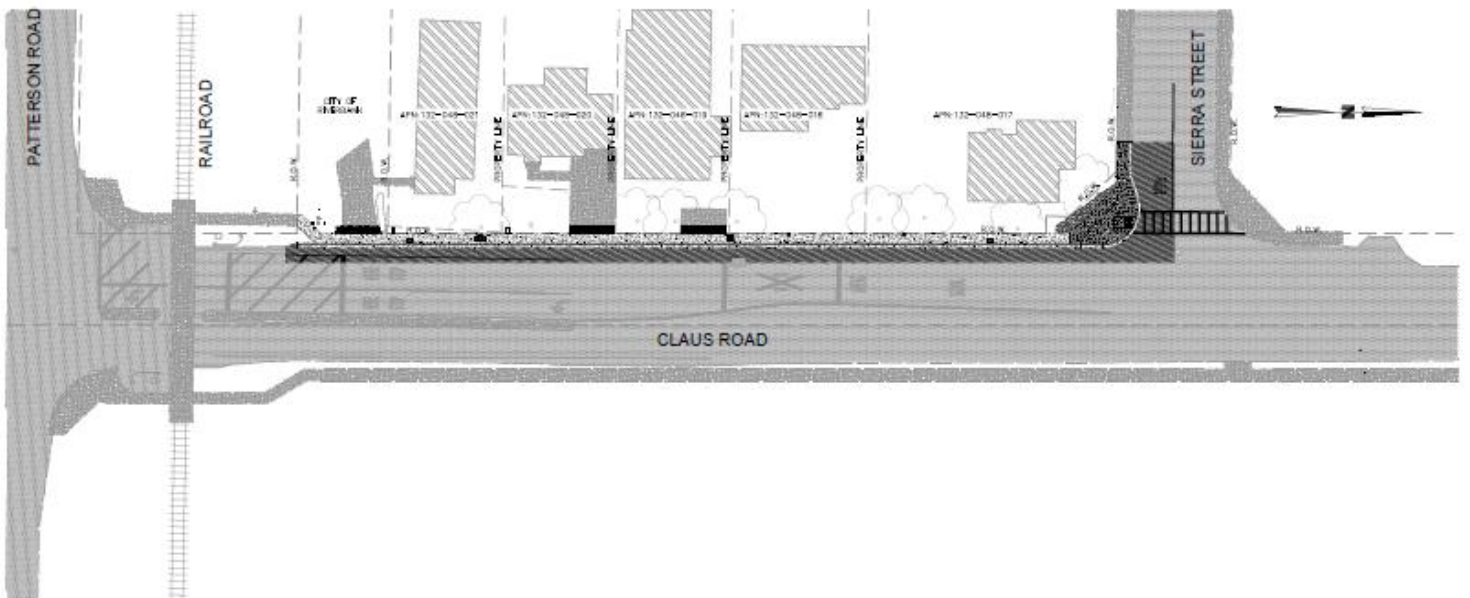
Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Hensley's Paving & General Engineering, Inc. Contract

Site Map

Claus Road Curb & Sidewalk Project



RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date: February 14, 2023

Subject: A Resolution Appropriating Funds for the 2022 Cheese & Wine Festival

From: Marisela H. Garcia, City Manager

Submitted by: Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider the approval of a Resolution to appropriate funds for the 2022 Cheese & Wine Festival.

SUMMARY

On November 8th, 2022 the Cheese & Wine Festival evaluation was reported to the City Council. Unfortunately, there was a deficit financially this past year for the festival. This resolution is to request funds to cover the deficit of this event in the amount of \$22,138. If approved, the funds would be transferred from the General Fund into the Cheese & Wine account.

BACKGROUND

The City of Riverbank Parks and Recreation Department has overseen the Cheese & Wine Festival for the past 8 years. During this time, we contracted out the event to two different contractors. Overall, the festival has been safe, successful, well attended and enjoyed by the community.

The festival was purchased by the City from the Riverbank Rotary Cub for \$15,000 in 2014. During the City's first 3 years of festival oversight, this purchase was paid for through the revenue of the festival. The festival always had an excess of revenue over expenses. Even though the city set aside funds just in case there was a deficit, it was not necessary and no General Fund support was needed.

This past year was different. The contractor was less focused and inflation raised the cost of many of our services. The wine tasting area was not marketed well so revenue was less than normal and our sponsorships were down. There was more competition downtown with alcohol sales and our beer booths suffered. After all revenue was collected and expenses were paid, there was a \$22,138 deficit.

A resolution is being presented to the City Council for consideration to transfer \$22,138 from the General Fund to the Cheese & Wine account to make this account whole. Options for the 2023 festival will be presented to the City Council which will attempt to have a more positive financial outcome.

FINANCIAL IMPACT

The financial impact to this report is \$22,138 from the General Fund for the 2022-2023 Fiscal Year.

STRATEGIC PLAN

“Ensure Financial Stability” and “Maintain Quality of Life”

ATTACHMENTS

1. Exhibit A- Income Statement- Riverbank Cheese and Wine 2022

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO
AUTHORIZE THE TRANSFER OF \$22,138 FROM THE GENERAL FUND TO THE
CHEESE & WINE ACCOUNT TO COVER THE 2022 FESTIVAL DEFICIT**

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

WHEREAS, the City of Riverbank has hosted the Cheese & Wine Festival for the past 45 years and the festival is an event that is safe, well attended and enjoyed by the community; and

WHEREAS, the City has contracted out the festival for the past 8 years and the festival has been financially self-sustaining during 7 of those years; and

WHEREAS, due to inflation and expense exceeding revenue for the 2022 Festival, there is a need for General Fund support in the amount of \$22,138; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approve the transfer of \$22,138 from the General Fund to the Cheese & Wine Account to cover the deficit of the 2022 Festival.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of February, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A- Income Statement 2022

EXHIBIT A

Income Statement

Riverbank Cheese and Wine 2022

Revenue

Festival Revenues	39,906	
Wine Tasting Revenues	27,681	
Retail Sale Revenues	0	
Sponsorship Revenues	13,000	
Net Sales		80,587

Expenses

Advertising & Marketing	10,740	
Entertainment	7,855	
Rents & Leases	21,820	
Professional/Special Services	0	
Permits and Licenses	912	
Repairs and Maintenance	0	
Security	10,705	
Supplies	11,285	
Temporary Labor	26,400	
Wine/Beer Expenses	12,154	
Miscellaneous (Bank Fees)	855	
Total Expenses		102,725
Net Income (Loss)		-22,138

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date:	February 14, 2023
Subject:	2023 Cheese & Wine Festival Options
From:	Marisela H. Garcia, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider the options for the 2023 Cheese & Wine Festival and give staff direction.

SUMMARY

On November 8th, 2022 the Cheese & Wine Festival evaluation was reported to the City Council. The Director of Parks and Recreation was directed to research options for new contractors and/or other festival ideas and return with information after the first of the year.

BACKGROUND

The City of Riverbank Parks and Recreation Department has overseen the Cheese & Wine Festival for the past 8 years. During this time, the city contracted out the event to two different contractors. Overall, the festival has been safe, successful, well attended.

This past year, even though the event was again safe, well attended and enjoyed by the community, it was determined that the effort and overall performance of the contractor was not up to the city's expectations. The event had a financial deficit for the first time since it has been a city event. Factors such as inflation, lack of adequate sponsorships and the need for increased security/fencing impacted the event as well.

Options for the future of the event were presented briefly to the City Council at the November 8th, 2022 meeting. The discussion included some options such as determining that the festival is too costly and replacing it with another less complex festival or seeking other potential contractors and presenting the options to the council for review. It was the

consensus of the City Council at that time that they were not ready to terminate the festival.

The options that the Director of Parks and Recreation has ready for Council review are as follows:

Option I: Copper Rhino, LLC

This company is owned by Les Knoll who works closely with Jill Ferris, former contractor for the city (FM Concerts) for the stage portion of Concerts in the Park and the Cheese & Wine festival. Les owns 5 restaurant/Bars and has many contacts with wineries and beer companies. He has been involved with the Modesto City Sampler, the Edible Extravaganza, and multiple large events over the past 24 years. Jill has experience with vendors, marketing and stages. They are confident that they can provide a successful festival.

Bid Amount: \$11,500

City Staff Time: Under this proposal, City staff responsibilities would include street closures (setting up cement blocks, barricades etc.), financial oversight (subcontractors, warrant requests, multiple meetings, coordination with police and fire as well as Gilton), and day of event includes staff oversight.

**Option II: SMA Entertainment – Festival Coordination
Lively Libations Event Services- Cheese & Wine component**

SMA Entertainment is owned by Steven and Michelle Alexander. They oversee the Stockton Jazz Festival, Tequila Festival, Funktober Fest and Rib Cook off to name a few. They have been doing festivals for the past 10 years. Steven and Michelle are confident that they are able to handle the coordination of the festival.

Lively Libations was founded in 2013 by Jill Contreras, a restaurant consultant and entrepreneur. Lively Libations is a full service, event staffing business. Jill has over 20 years of experience in the hospitality industry. Lively Libations is licensed by the City of Riverbank and Jill is a Riverbank resident. Lively is able to concentrate on the Cheese and Wine Component of the festival (this would include soliciting wineries, decorating, Cheese vendor coordinating, provide licensed wine pouring specialists to fill in at wine tables that do not have wine representatives). Jill attended last year's wine tasting and has a great deal of insight on how this component can be improved.

Event though SMA is willing to oversee the entire festival, it is recommended by city staff that special attention be given to the wine and cheese component of the event by a contractor that has specific experience in this area. By contracting with both, the event will not be as overwhelming as each can focus on their component of the festival.

SMA Entertainment Bid: \$13,000 excluding the cheese & Wine Component, \$15,000 including the Cheese & Wine Component

Lively Libations Bid: \$10,000 for the Cheese & Wine Component of the event

Total combined: \$23,000

City Staff Time: Under this proposal, City staff responsibilities would include street closures (setting up cement blocks, barricades etc.), financial oversight (subcontractors, warrant requests, multiple meetings, coordination with police and fire as well as Gilton, and day of event includes staff oversight.

Boundary Map Options:

The boundary map last year included Third street all the way to east to 6th street. Even though we did have enough vendors to do this, some comments we received were that the wine tasting area did not feel as if it was part of the festival. The amount of fencing necessary to secure the event was increased by a significant amount of linear feet and was costly. If we continue with this boundary map for the festival, we would increase the fencing to encompass the Community Center to 7th street to lessen the confusion.

Changing the boundary map to start at 5th street and continue to 7th street encompassing the community center would give the event more of a festival feeling and reduce fencing costs as well.

Once the City Council gives staff direction on the bids presented and the boundary map, a contract and lease of city streets will be brought to Council so planning for the event can begin.

FINANCIAL IMPACT

The financial impact for this report is the bid amount chosen. The event should be self-sustaining and the bid amount covered through revenue from the festival. It may be beneficial to budget in the 2023-2024 Fiscal Year budget a set amount to supplement the festival in the event that inflation is high and there is a revenue shortfall again this year.

ATTACHMENTS

1. 2022 Boundary Map
2. 2023 Potential Boundary Map



