

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, MAY 9, 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)

Item 7.1



Proclamation-Older Americans Month-It is recommended that the City Council read and present the Proclamation for Older Americans Month to commissioner John Dinan, Commission on Aging and present Awards of Recognition to nominated Riverbank residents for their service to our community.

Item 7.2



Proclamation- Mental Health Awareness Month – It is recommended that the City Council read and present the Proclamation for Mental Health Awareness Month to Luly Arias, Riverbank Promotora and Shellie Lamar, Oakdale Family Resource Network Manager.

Item 7.3



Proclamation-Declaring May as Asian Pacific American Heritage Month-It is recommended that the City Council read and present a Proclamation for Asian Pacific American Heritage Month to Vice Mayor Rachel Hernandez.

Item 7.4

Building & Planning Presentation-It is recommended that the City Council receive a presentation from Donna Kenney, Planning and Building Manager regarding the Planning & Building & Neighborhood Improvement Division.

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.

*** Please Speak directly into the Microphone.**

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 City Council and Local Redevelopment Authority Board Minutes for April 25, 2023.

10. PUBLIC HEARING

The Public Notice for Item 10.1 and Item 10.2 was published on April 26, 2023 in the Riverbank News.

Item 10.1 **Public Hearing to Adopt Resolution of the City Council of the City of Riverbank Annexing of Territory to a Community Facilities District, Authorizing the Levy of a Special Tax, and Submitting Levy of Tax to Qualified Electors, City of Riverbank Community Facilities District No. 2016-1 (Public Services) Annexation No. 2; and**

Resolution of the City Council of the City of Riverbank Declaring Results of a Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien, City of Riverbank Community Facilities District No. 2016-1 (Public Services) Annexation No. 2.- It is recommended that the City Council hold a public hearing and adopt resolutions annexing territory to the City of Riverbank Community Facilities District 2016-1 (Public Services) and to authorize the levy of a special tax therein to finance certain City services.

Item 10.2 **First Reading by Title Only and Introduction of Proposed Ordinance Adding Chapter 150.080 Through 150.100, Entitled Vacant Buildings to Chapter 150, Building Regulations, to Title XV, Land Usage, of the Riverbank Code of Ordinances-** Conduct a public hearing for the first reading of the proposed ordinance, waive further reading, read by title only, and introduce an ordinance of the City Council of the City of Riverbank adding Chapter 150.080 through 150.100, entitled Vacant Buildings to Chapter 150, Building Regulations, to Title XV, Land Usage, of the Riverbank Code of Ordinances.

11. NEW BUSINESS

- Item 11.1** **A Resolution to Approve the Appropriation of Additional Funds To The Claus Road Curb & Sidewalk Project Due To Unforeseen Conditions of the Sewer Line, Relocation of the Existing 2” Traffic Signal Conduit and Abandonment of Existing 1” Water Service-** It is recommended that the City Council consider authorizing a budget amendment of \$202,803.00 to the Sewer Fund to repair the sewer line removal and installation, relocation of the existing 2” traffic signal conduit and \$13,000 to the Water Fund to abandonment of existing 1” water service.

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- No Items Scheduled.

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session

14. ADJOURNMENT

- The next regular City Council Meeting will be on May 23, 2023 at 6:00 p.m.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North 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 4th Day of May, 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/86561873093>

- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 865 6187 3093**
- Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 865 6187 3093**

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

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATION

Meeting Date:	May 9, 2023
Subject:	Proclamation-Older Americans Month
From:	Marisela H. Garcia, City Manager
Submitted by:	Jessica Barragan, Administrative Assistant – Confidential

RECOMMENDATION

It is recommended that the City Council read and present the Proclamation for Older Americans Month to Commissioner John Dinan, Commission on Aging and present Awards of Recognition to nominated Riverbank residents for their service to our community.

SUMMARY

The City of Riverbank recognizes our need to create a community that provides the services that supports older Americans needed to thrive and live independently for as long as possible. As a community we need to begin planning programs that build independence, ensuring activities that are responsive to individual needs, and increasing access to services that support aging in place.

RECOGNIZED RESIDENTS IN RIVERBANK:

On this day, the Riverbank City Council is honoring Older Americans in our community. The Mayor and each Councilmember have nominated a resident to honor on this day for their contributions to the City of Riverbank.

Arnold Setliff – Selected by Mayor O'Brien
Thelma Louise Gibson – Selected by Councilmember Uribe
Sandra Sanchez – Selected by Vice Mayor Hernandez
Charles Neal – Selected by Councilmember Jones Cruz
Joan Brister-Giles - Selected by Councilmember Barber-Martinez

BACKGROUND

When Older Americans Month was established in 1963, only 17 million living Americans had reached their 65th birthday. About a third of older Americans lived in poverty and there were few programs to meet their needs. Interest in older Americans and their concerns was growing. A meeting in April 1963 between President John F. Kennedy and members of the National Council of Senior Citizens led to designating May as “Senior Citizens Month,” the prelude to “Older Americans Month.”

Historically, Older Americans Month has been a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Older Americans Month is celebrated across the country through ceremonies, events, fairs, and other such activities.

STRATEGIC PLAN

While not directly related to the Strategic Plan it is important to provide support to our communities and organizations so they can continue providing resources throughout the community.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENTS

1. Proclamation



CITY OF RIVERBANK
PROCLAMATION
OLDER AMERICANS MONTH

WHEREAS, City of Riverbank includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

WHEREAS, the City of Riverbank recognizes our need to create a community that provides the services that supports older Americans needed to thrive and live independently for as long as possible; and

WHEREAS, the City of Riverbank can work to build an even better community for our older residents by planning programs that encourage independence, ensuring activities that are responsive to individual needs, and increasing access to services that support aging in place.

WHEREAS, Whereas the opportunities and challenges that await us require our continued commitment to the goal of ensuring that our senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity; and

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Riverbank does hereby unanimously proclaim May 2023 to be Older Americans Month and urges every resident to recognize the contributions of our older citizens, help to create an inclusive society, and join efforts to support older Americans' choices about how they age in their communities.

Richard D. O'Brien, Mayor
May 9, 2023

Riverbank City Council:
District 1 – Luis Uribe, District 3 – Leanne Jones Cruz, District 4 – Darlene Barber-Martinez
District 2-Vice Mayor Rachel Hernandez - Mayor Richard D. O'Brien

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.2

SECTION 7: PRESENTATION

Meeting Date:	May 9, 2023
Subject:	Proclamation- Mental Health Awareness Month
From:	Marisela H. Garcia, City Manager
Submitted by:	Jessica Barragan, Administrative Assistant – Confidential

RECOMMENDATION

It is recommended that the City Council read and present the Proclamation for Mental Health Awareness Month to Luly Arias, Riverbank Promotora and Shellie Lamar, Oakdale Family Resource Network Manager.

SUMMARY

It is important to improve the emotional, psychological, and social well-being of families and the community by providing resources and services that support mental health. Family Support Network has been supporting mental health within the City of Riverbank since 1993. Family Support Network advocates for families in English and Spanish, providing educational classes, parent support groups and school readiness programs. During the month of May, the Family Support Network will place green ribbons across Riverbank to show their support.

BACKGROUND

Since 1949, Mental Health America, their affiliates, and countless others have observed May as Mental Health Month by reaching out to millions of people to spread the word that mental health is something everyone should care about. During the month of May, wearing the color green or displaying a green ribbon shows support and brings awareness to mental health. It's a time to share information, stories, and resources that our community and surrounding areas have to offer.

STRATEGIC PLAN

While not directly related to the Strategic Plan it is important to provide support to our communities and organizations so they can continue providing resources throughout the community.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENTS

1. Proclamation



CITY OF RIVERBANK PROCLAMATION

MENTAL HEALTH AWARENESS MAY 2023

WHEREAS, Family Support Network has been serving the Riverbank community since 1993; and

WHEREAS, our mission is to improve the emotional, psychological, and social well-being of families and the community by providing increased access to resources and services that support mental health. Prevention and early intervention, as well as health education classes, parent support groups and school readiness programs in English and Spanish; and

WHEREAS, our vision is to sustain on-going advocacy for bringing critical services to underserved populations in our communities through locally accessible activities, bilingual staff, and a trusted safe place for individuals and families to ask for and receive information and support that is culturally appropriate; and

WHEREAS, the green ribbon is the international symbol for mental health awareness; and

WHEREAS, the lack of mental health awareness leads to devastating impacts on the wellbeing of individuals. Therefore, the main focus of this effort is to promote the importance of good mental health, well-being and stigma reduction within communities, individuals and families.

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of City of Riverbank does hereby unanimously proclaim May 2023 as Mental Health Awareness Month in the City of Riverbank, and call upon the citizens, government agencies, public and private institutions, businesses, and schools to commit to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

**Richard D. O'Brien, Mayor
May 9, 2023**

Riverbank City Council:
District 1 – Luis Uribe, District 3 – Leanne Jones Cruz, District 4 – Darlene Barber-Martinez
District 2-Vice Mayor Rachel Hernandez - Mayor Richard D. O'Brien

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.3

SECTION 7: PRESENTATION

Meeting Date:	May 9, 2023
Subject:	Proclamation Declaring May as Asian Pacific American Heritage Month
From:	Marisela H. Garcia, City Manager
Submitted by:	Jessica Barragan, Administrative Assistant – Confidential

RECOMMENDATION

It is recommended that the City Council read and present a Proclamation for Asian Pacific American Heritage Month to Vice Mayor Rachel Hernandez.

SUMMARY

Asian American Pacific Americans have been played an important role in American history and in today's society. Even though they had to face difficult obstacles, they have made astonishing accomplishments. We now celebrate all their achievements and contributions in the month of May.

BACKGROUND

The month of May was chosen as Asian Pacific American Heritage Month to commemorate the immigration of the first Japanese citizen, Nakahama Manjiro, to the United States on May 7, 1843, but also the anniversary of the May 10, 1869 completion of the first Transcontinental Railroad, built with the back-breaking labor of nearly 20,000 Chinese immigrants. However, the first Asian immigrants arrived in the U.S. in 1587 when Filipinos first began migrating to California. Immigrants continued to come from the Asian continent and the Pacific Islands through 1920 when the first Samoans were documented in Hawaii.

As of the last census, the City of Riverbank Asian and Pacific population was 5.5% of our residents.

STRATEGIC PLAN

While not directly related to the Strategic Plan it is important to provide support to our communities and organizations so they can continue providing resources throughout the community.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENTS

1. Proclamation



CITY OF RIVERBANK PROCLAMATION

ASIAN PACIFIC AMERICAN HERITAGE MONTH

WHEREAS, the month of May was chosen as Asian Pacific American Heritage Month to commemorate the immigration of the first Japanese citizen, Nakahama Manjiro, to the United States on May 7, 1843, but also the anniversary of the May 10, 1869 completion of the first Transcontinental Railroad, built with the back-breaking labor of nearly 20,000 Chinese immigrants; and

WHEREAS, Asian American Pacific Islanders have distinguished themselves as leading researchers in science, medicine, and technology; innovative farmers and ranchers; distinguished lawyers, judges and government leaders; in the arts, literature, and sports; as war heroes who defended our country from fascism; and peacetime healthcare heroes currently on the front lines of the pandemic; and

WHEREAS, today more than 20 million Asian American Pacific Americans live in the United States and through their actions, make America a more vibrant, prosperous, and secure nation.

WHEREAS, the City of Riverbank is committed to being a welcoming and inclusive place where all residents and visitors are safe to live, work, and play; and

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Riverbank does hereby unanimously proclaim May 2023 to be Asian Pacific American Heritage Month and encourages everyone to commemorate this important occasion in recognition of the numerous contributions made by the Asian American and Pacific Islander communities locally, nationally, and globally.

Richard D. O'Brien, Mayor

May 9, 2023

RIVERBANK CITY COUNCIL:

**District 1 – Luis Uribe, District 3 – Leanne Jones Cruz, District 4 – Darlene Barber-Martinez
District 2 – Vice Mayor Rachel Hernandez, Mayor Richard D. O'Brien**

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.4

SECTION 7: PRESENTATIONS

Meeting Date:	May 9, 2023
Subject:	Presentation – Planning & Building Division Presentation
From:	Marisela H. Garcia, City Manager
Submitted by:	Donna Kenney, Planning & Building Manager

RECOMMENDATION

It is recommended that the City Council receive a presentation from Donna Kenney, Planning and Building Manager regarding the Planning & Building & Neighborhood Improvement Division.

SUMMARY:

Planning staff works with the community and other City departments in developing strategies and plans for the development of the entire community.

Planning attempts to balance the often competing economic, environmental, and social needs of the community. To achieve this balance, planning provides input into development review, community goal setting, and capital improvement processes.

Through continuous community engagement, the planning function helps direct the growth of our growing community toward performing closer to the potential that exists in Riverbank.

As such, the Planning Division is a good starting point for most of your informational needs regarding the City.

The City's Building Division is responsible for the enforcement of codes, laws, ordinances and regulations pertaining to commercial and residential building constructions and remodeling within the city. The division provides services necessary to ensure that construction within the City is performed in a safe and lawful manner.

Neighborhood Improvement's mission is to make Riverbank a better place by maintaining an environment that people are proud of and enjoy. Enforcing rules and regulations may be comforting but it is not our prime objective - education and pro-active community

involvement is the key towards making Riverbank a great place for residents, businesses, and visitors.

Tonight's presentation will provide an update on major developments throughout the City and information to residents regarding little known municipal codes that may impact them.

STRATEGIC PLAN

This item directly addresses the City Council's Strategic Plan goal to "Improve Internal and External Communication" and the City's desire to "Proactively communicate news about the City to residents, businesses, and surrounding communities."

FINANCIAL IMPACT

There is no financial impact with the report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	May 9, 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:	May 9, 2023
Subject:	Approval of the April 25, 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/ Local Redevelopment Authority Board approve the City Council/LRA Meeting Minutes of April 25, 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 April 25, 2023 City Council and Local Redevelopment Authority Board Minutes.

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



MINUTES

TUESDAY, APRIL 25, 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** – City Clerk Hernandez conducted Roll Call.

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

Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 3 Leanne Jones Cruz
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair District 2 Rachel Hernandez
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

6. CONFLICT OF INTEREST: Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

7. PRESENTATIONS (Informational only)

Item: 7.1 **Proclamation- National Library Week-** It is recommended City Council present a Proclamation for National Library Week to, Vicki Holt, Riverbank Library Assistant.

Mayor O'Brien presented Vicki Holt, Riverbank Library Assistant with the National Library Week Proclamation on behalf of City Council.

Item 7.2 **Presentation – Cannabis Tax Fund Grant by Deputies Maldonado and Bavaro** - It is recommended that the City Council receive a presentation from Deputies Maldonado and Bavaro who help to facilitate the Cannabis Tax Fund Grant.

City Council received a Power Point Presentation from Deputies Maldonado and Bavaro with Riverbank Police Services regarding the Cannabis Tax Fund Grant.

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 6:16 P.M.

Residents who spoke in opposition of Riverwalk Project

*Jami Aggers, Modesto Resident
Dan Whetstone, Modesto Resident
Karen Conrotto, Modesto Resident*

Jacob Faulder, Representative with Senator Marie Alvarado-Gil provided a brief legislative update, 3 bills currently going through the process in the Capitol. SB226, would make Fentanyl among the list of drugs as illegal to possess as a firearm. SB268, would make a rape of unconscious person a violent felony. SB375, would be the COVID-19 Compliance Tax Credit, would provide \$50 dollars per employee for large business, and \$100 per employee for small businesses, for businesses that were affected during the COVID-19 Pandemic.

Randy Richardson, Commented on Love Riverbank happening Saturday, April 29th, 2023.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:25 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 City Council and Local Redevelopment Authority Board Minutes for April 11, 2023.

Item 9.3 **Resolution 2023-035** to Approve and Adopt City of Riverbank Recycled Products Procurement Policy.

Item 9.4 **Resolution 2023-036** to Authorize the City Manager to Enter into a Consultant Agreement for Retainer On-Call Planning Services with Interwest Consulting Group.

Item 9.5 **Resolution 2023-037** Authorizing a Budget Amendment of \$26,160 to the General Fund 2022-23 Building Maintenance Budget for Repair of the City Hall North Restroom Sewer System.

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

ACTION: *By motion moved and seconded (Uribe / Jones Cruz 5/0) to approve the **consent calendar** as presented.*

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 Items Scheduled.

11. NEW BUSINESS

The Public Notice for Item 11.1 was published on April 12, 2023 in the Riverbank News.

Item 11.1 **A Resolution of Concurrence and Support for the Approval of the Fiscal Year 2023-2024 Annual Action Plan (AAP)**- It is recommended that the City Council open the Community Meeting, accept Public Comment, and consider adopting a Resolution of Concurrence and support for the approval of the Fiscal Year 2023-2024 Annual Action Plan (AAP).

Housing Specialist Ibañez gave a comprehensive staff report and Power Point Presentation on the Annual Action Plan (AAP) for the fiscal year 2023-2024.

City Council discussed item with staff.

Mayor O'Brien opened up the Community meeting for Public Comment at 6:32 P.M.

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

ACTION: *By motion moved and seconded (Jones Cruz / Uribe 5/0) to approve **Resolution 2023-038** Concurrence and Support for the Approval of the Fiscal Year 2023-2024 Annual Action Plan (AAP).*

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 11.2 **Resolution Authorizing a Budget Amendment of \$50,000 to the American Rescue Plan Act Spending Plan for Funding Allocated to the Jacob Myers Park Trail Expansion Project** -It is recommended that the City Council consider authorizing a Resolution to increase the allocation of American Rescue Plan Act funding for the Jacob Myers Park Trail Expansion Project to complete the environmental work required by the Army Corp of Engineers for the lease of property.

Director of Parks and Recreation Fitzpatrick gave a comprehensive staff report on the request to amend the American Rescue Plan Act Spending plan for the Jacob Myers Park Trail Expansion Project to complete the environmental work required by the Army Corp of Engineers for the lease of the property.

City Council discussed item with staff.

Mayor O'Brien opened up for Public Comment at 6:39 P.M.

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

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe 5/0) to approve **Resolution 2023-039** Authorizing a budget amendment of \$50,000 to the American Rescue Plan Act Spending Plan for funding allocated to the Jacob Myers Park Trail Expansion Project.*

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:

- Everyone is invited to our Health Fair, this Saturday from 8:00 a.m. to 1:00 p.m. at the Community Center, free to the public.*
- Annual Founder's Day Carnival, will start at 12:00 p.m. at the Community Center Park, that is also free to the public all the games and events will be free. We will have vendors and food. We invite everyone to join us for those events.*
- Through an approved Memorandum of Understanding between the City and Stanislaus Workforce Development in May will be starting free technology classes for our senior residents. Seniors will be taught to use an iPad, email, internet, messages, social media at the end of the course they will be allowed to keep the iPad and a year of internet service, paid for free. We will be putting out information on the classes that will happen on Tuesdays from 1:00 p.m. to 2:00 p.m. beginning*

May 9th. For those residents who need access to transportation, we want to be able to connect with START and be able to facilitate that.

Item 12.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- Have met with a few downtown business owners who are very excited about the Downtown Façade Program, received positive feedback on that.
- Attended the California League of Cities Summit with two other colleagues, got a chance to attend several workshops and meet with our legislators. It was a very informative, it was very good conference.
- Happy to announce the Downtown Business Coalition in Partnership with the City and the will be putting on the Downtown Market starting May 9th through June 13th, every Tuesday night from 5:00 p.m. to 8:00 p.m. like the last two summers. Everyone is encouraged to attend.

Councilmember Uribe reported on the following:

- Any residents who is interested or hasn't had an opportunity to tour the transitional housing for our homeless, we will be setting a tour with staff at the Sierra House on Monday, May 1st, at 9:00 a.m., if you're interested will get a quick update on some of the improvements happening.
- Next Sister City Committee will be on May 3rd at 6:00 p.m. in the Chambers, we've reached out to the Hispanic Chamber to give us some insight on some fundraising we are trying to do.
- Cinco de Mayo be safe out there!

Councilmember Barber-Martinez reported on the following:

- Attended the League of California Cities Summit, some of the topics of interest to me were the Universal Inclusionary Housing, Fighting Crime with Civil Litigation, Surplus Land, and Housing Land that we can use for improvement of our Housing Plans.
- Thank our Heroes, with Thank you cards, you can go to the library and fill out the cards for First Responders, Teachers, and added Public Service. And if your inclined to bake some cookies, you can do so and bring them over on Thursday. Will be delivering those on Thursday, Friday, and Saturday.

Vice Mayor Hernandez reported on the following:

- Attended the Cal Cities Conference, we were able to connect with other councilmembers and assembly members to be able to advocate for the work we are doing here.
- Soon after, flew out to D.C. with our Stanislaus Council of Governments, was there with other county supervisors and councilmembers and met with our senators and congress and department of transportation personally, and were able to talk about Aemetis and the important work that is going on there and the connection with the North County Corridor. As well, as the importance of having jobs here in the city and the county, and not having people have to commute.
- See you all Saturday for Love Riverbank!

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *Thursday at 11:30 a.m. Aemetis lunch at the LRA, come out and meet the businesses out there, if you have time.*
- *Had some great success in D.C. our City Manager did great job at the US EPA and we are very please to announce that our programs are 80% funded. We are not done yet.*
- *Memorial Day is coming up, would like to thank the Sheriff's Department in advance for providing us not only an honor guard, but also a gun salute. That should be impressive.*

13. CLOSED SESSION- No Items Scheduled.

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

14. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 6:49 P.M.to the next regular scheduled City Council / LRA Meeting of May 9, 2023 at 6:00 P.M.

ATTEST: (Adopted 5/09/2023)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/ Chair

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.1

SECTION 10: PUBLIC HEARING

Meeting Date: May 9, 2023

Subject/ Title: Public Hearing to Adopt Resolution of the City Council of the City of Riverbank Annexing of Territory to a Community Facilities District, Authorizing the Levy of a Special Tax, and Submitting Levy of Tax to Qualified Electors, City of Riverbank Community Facilities District No. 2016-1 (Public Services) Annexation No. 2; and

Resolution of the City Council of the City of Riverbank Declaring Results of a Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien, City of Riverbank Community Facilities District No. 2016-1 (Public Services) Annexation No. 2.

From: Marisela H. Garcia, City Manager

Submitted by: Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION:

It is recommended that the City Council hold a public hearing and adopt resolutions annexing territory to the City of Riverbank Community Facilities District 2016-1 (Public Services) and to authorize the levy of a special tax therein to finance certain City services.

STRATEGIC GOAL:

The conditions of approval for the specific territory development require it to annex into Community Facilities District No. 2016-1 (Public Services) ("CFD 2016-1") to provide financing for police services, street maintenance, parks, storm drainage, and landscaping. The adoption of these resolutions will fulfill that requirement and complete the annexation.

SUMMARY:

By Resolution No. 2016-028, the City Council established CFD 2016-1, a Mello-Roos Community Facilities District with the intention that future development within the City of Riverbank (the "City") would annex into this district. The special taxes collected from the

property owners within the district are to be used for the funding of police services, landscape maintenance, park maintenance, drainage maintenance, and street maintenance.

The parcels proposed for annexation are generally located west of Central Avenue, east of Claus Road, and north of Patterson Road as well as generally located west of Central Avenue, east of Claus Road, and north of Kentucky Avenue. The boundary of the annexation includes the area within assessor's parcel numbers 062-020-033-000, 062-020-034-000, 062-022-026-000, and 062-022-027-000 as depicted on Exhibit A. Development of these properties change the characteristics of undeveloped land. Once developed, this project will intensify the use of the property, creating a need for more services under this CFD.

As part of the annexation process, the City contracts with Willdan Financial Services for the preparation of the necessary resolutions and balloting procedures for the annexation.

Resolution No. 2023-025 was adopted on March 28, 2023, and set the public hearing for May 9, 2023. The adoption of the attached resolutions annexes the territory into CFD 2016-1, submits the levy of the special tax to the qualified electors, and declares the results of the special election. This is the final step in the annexation process; and since the conditions of approval for the development require it to annex into CFD 2016-1, a majority protest of the annexation is not anticipated.

Once the annexation is complete, the property owners of the parcels will be required to pay annual special taxes for CFD 2016-1, beginning in Fiscal Year 2023/24 as itemized on their property tax bill in accordance with the rate set forth in the Rate and Method of Apportionment of Special Tax.

The CFD 2016-1 Rate and Method of Apportionment was established as part of the formation of the district and fixed Fiscal Year 2016-2017 as the base year for the annual special tax rate as shown in Exhibit B. Since the formation, assessments have increased based on a cost inflator allowed in the original formation documents. The current special tax rate for the district is as shown in Exhibit C.

FISCAL IMPACT:

The full fiscal impact will not be seen by the City until the subject properties are developed with Building Permits issued on the respective parcels affected.

ATTACHMENTS:

- 1) City of Riverbank Community Facilities District No. 2016-1 (Public Services) Boundary Map – Annexation No. 2
- 2) Resolution 2023- _____, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK ANNEXING OF TERRITORY TO A COMMUNITY FACILITIES

DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS, CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) ANNEXATION NO. 2.”

- 3) Resolution 2023-_____ “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK DECLARING RESULTS OF A SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN, CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) ANNEXATION NO. 2.”

City of Riverbank Community Facilities District No. 2016-1 (Public Services) Boundary Map-Annexation No. 2

SHEET 1 OF 1

PROPOSED ANNEXATION NO. 2 TO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) CITY OF RIVERBANK

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK THIS ____ DAY OF ____, 20__

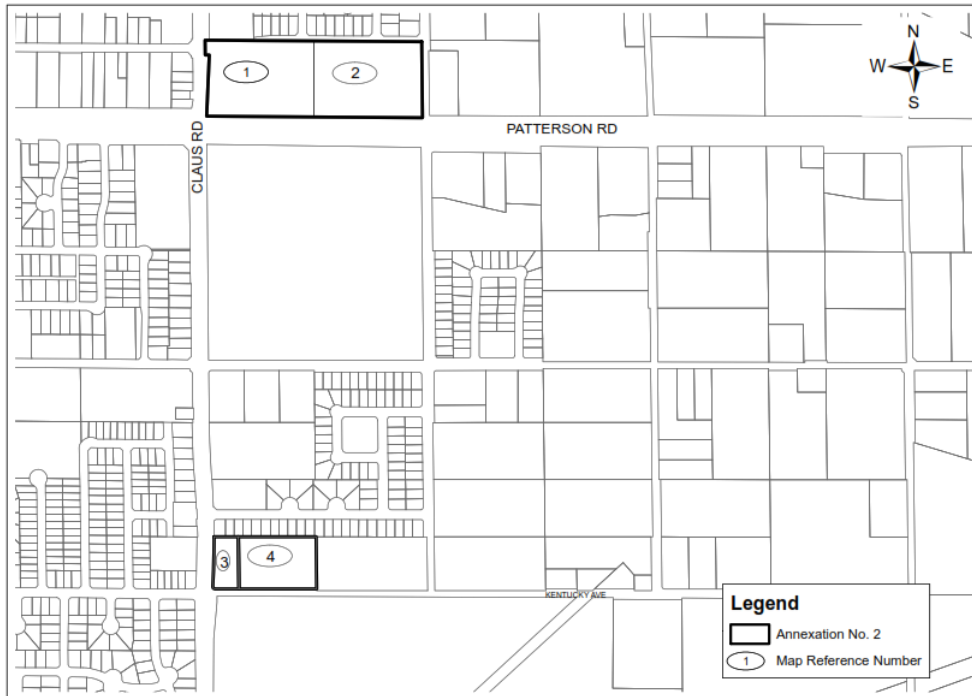
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 2 TO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES) OF THE CITY OF RIVERBANK, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF RIVERBANK AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____, 20__, BY ITS RESOLUTION NO. 20__.

CITY CLERK
CITY OF RIVERBANK

REFERENCE IS MADE TO THE BOUNDARY MAP OF THE DISTRICT RECORDED AT BOOK 5, PAGE 43, DOCUMENT NO. 2016-002994-00 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

FILED THIS ____ DAY OF ____, 20__, AT THE HOUR OF ____ O'CLOCK ____ M. IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) ____ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

DONNA LINDER
COUNTY CLERK-RECORDER



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	SHEET
1	052-020-033-000	1
2	052-020-034-000	1
3	052-022-026-000	1
4	052-022-027-000	1



CITY OF RIVERBANK

RESOLUTION 2023 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK ANNEXING
OF TERRITORY TO A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE
LEVY OF A SPECIAL TAX, AND SUBMITTING LEVY OF TAX TO QUALIFIED
ELECTORS, CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1
(PUBLIC SERVICES) ANNEXATION NO. 2**

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

WHEREAS, the CITY COUNCIL of the CITY OF RIVERBANK, CALIFORNIA (the “City Council”) adopted Resolution No. 2023-025 (Resolution of Intention) stating its intention to annex the territory to the City’s Community Facilities District No. 2016-1 (Public Services) (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the CFD and stating the facilities to be provided and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the services of the CFD, is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, the Resolution of Intention set May 9, 2023, as the date of the public hearing; and

WHEREAS, on the 9th of May 2023, the City Council held a public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the CFD; and

WHEREAS, at said hearing, interested persons desiring to be heard on all matters pertaining to the annexation of territory to the CFD and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the CFD by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing CFD, or (ii) 50% or more of the registered voters, or six registered, whichever is more, residing

in the territory proposed to be annexed to the CFD, or (iii) owners of one-half or more of the area of land in the existing CFD, or (iv) owners of one-half or more of the area of land in the territory proposed to be annexed to the CFD; and

WHEREAS, Annexation No. 2 Boundary Map to the CFD has been filed with the County Recorder of the County of Stanislaus, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIVERBANK, HEREBY RESOLVES:

Section 1. All prior proceedings taken by the City Council, with respect to the CFD and the proposed annexation of territory thereto, have been duly considered and are hereby determined to be valid and in conformity with the Act, and the CFD has been validly established pursuant to the Act. It has been determined that this project will intensify the use of the property creating a need for more services under this CFD.

Section 2. The description and map of the boundaries of the territory to be annexed to the CFD, as described in said Annexation No. 2 to the CFD on file with the City Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the CFD, and said territory is hereby ordered annexed to the CFD, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

Section 3. The provisions of the Resolution of Intention have heretofore been adopted by the City Council and are by this reference incorporated herein, as if fully set forth herein.

Section 4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the CFD shall be submitted to the voters of the area to be annexed to the CFD at an election called therefore as hereinafter provided.

Section 5. The City Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the CFD for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the CFD and that the vote shall be by said landowners, each having one vote for each acre or each portion thereof such landowner owns in the territory proposed to be annexed to the CFD.

Section 6. Pursuant to Section 53326 of the Act, the election shall be conducted by mail ballot, in accordance with the applicable provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they have not been waived by the unanimous consent of all landowners of the territory to be annexed to the CFD.

Section 7. The City Council calls a special election to consider the measure described in the ballot referred to in paragraph 8 below, which election will be held on May 9, 2023, ("Election Day") in the office of the City Clerk, at City Hall, 6707 3rd Street Suite A, Riverbank, California.

Section 8. The City Clerk will be the election official to conduct the election and caused to be provided to each landowner in the territory to be annexed to the CFD, a ballot in the form of **Exhibit A** hereto, which is hereby approved.

Section 9. The City Clerk has accepted the ballots of the qualified electors received prior to 6:00 p.m. on Election Day, whether received by mail or by personal delivery.

Section 10. The City Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters, that the voters have waived such requirement and the date for the election hereinabove specified is established accordingly.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of May, 2023; motioned by _____, seconded by _____, 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 - Ballot

EXHIBIT A

City of Riverbank Community Facilities District No. 2016-1 (Public Services)

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Riverbank no later than 6:00 p.m. on May 9, 2023, by mail or in person. The City Clerk's office is located at 6707 3rd Street, Riverbank, California 95367.

This ballot represents ____ votes.

To vote, mark in the voting square after the word "YES" or after the word "NO". For a list of acceptable marks, please refer to the back of this ballot.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Riverbank to obtain a replacement ballot.

MEASURE: Shall the City of Riverbank, by and for its Community Facilities District No. 2016-1 (Public Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described by the Resolution of Intention of the City of Riverbank adopted by its Council on March 28, 2023?

Yes

☐

No

☐

By executing in the space provided below, you also confirm your waiver of the time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326 (a) and 53327 (b) of the California Government Code.

Property Owner Name:

Property Owner/Authorized Representative Signature: _____

Property Owner/Authorized Representative Printed Name: _____

CITY OF RIVERBANK

RESOLUTION 2023-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
DECLARING RESULTS OF A SPECIAL ANNEXATION ELECTION,
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND
DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX
LIEN, CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO.
2016-1 (PUBLIC SERVICES) ANNEXATION NO. 2**

THE CITY OF RIVERBANK CITY COUNCIL (hereafter referred to as the “City Council”) DOES HEREBY RESOLVE THAT:

WHEREAS, in proceedings heretofore conducted by the City Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Act), this City Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 2016-1 (Public Services) (CFD);

WHEREAS, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, the Special Election was held on May 9, 2023, and the City Clerk has on file a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns (the “Certificate”), a copy of which is attached hereto as **Exhibit A** and by this reference incorporated herein; and

WHEREAS, this City Council has reviewed said Certificate and hereby approves it.

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

1. Recitals. The above recitals are all true and correct.
2. Ballot Measure. The ballot measure (the “Ballot Measure”) presented to the qualified electors is set forth in **Exhibit B** attached hereto and by this reference incorporated herein.
3. Election Results. The results of the Special Election are as set forth in the Certificate on file with the City Clerk and attached hereto as Exhibit A. Pursuant to the Certificate, the Ballot Measure presented at the Special Election was approved by the qualified electors of the District.

4. Ballot Measure Authorized. This City Council, acting in its capacity as legislative body of the District, is hereby authorized to levy on the land within the District the special tax described in the Ballot Measure for the purposes described therein and to take the necessary steps to levy the special tax authorized by the Ballot Measure.
5. Finding of Validity. It is hereby found that all prior proceedings and actions taken by this City Council with respect to the District were valid and in conformity with the Act.
6. Notice of Special Tax Lien. The City Clerk is hereby directed to record in the office of the County Recorder of the County of Stanislaus within fifteen days of the date hereof, an amendment to the Notice of Special Tax Lien as required by California Streets and Highways Code Section 3114.5.

PASSED AND ADOPTED, by the City Council of the City of Riverbank at a regular meeting held on the 9th day of May, 2023; motioned by _____, seconded by _____, 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 – Results of the Canvass of Election Returns
Exhibit B – Ballot Measure

EXHIBIT A

CITY OF RIVERBANK COMMUNITY FACILITIES DISTRICT NO. 2016-1 (PUBLIC SERVICES)

CERTIFICATE OF THE CITY CLERK AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS

I, Gabriela Hernandez, City Clerk of the City of Riverbank, hereby certify that I canvassed the returns of the Special Annexation Election in the City of Riverbank Community Facilities District No. 2016-1 (Public Services) (the "District"), that the election was held in the Chambers of the City Council at 6707 3rd Street, Riverbank, California 95367 on May 9, 2023.

I further certify that the total number of ballots cast in said election and the total number of votes cast for and against the measure are full, true and correct:

Community Facilities District No. 2016-1 (Public Services) Special Annexation Election, May 9, 2023	Qualified Eligible Votes	Votes Cast	Yes	No
Ballot Measure	18			

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this __ day of _____, 2023.

By:

Gabriela Hernandez
City Clerk
City of Riverbank

EXHIBIT B

Ballot Measure:

Shall the City of Riverbank, by and for its Community Facilities District No. 2016-1 (Public Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described by the Resolution of Intention of the City of Riverbank adopted by its Council on March 28, 2023?

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.2

SECTION 10: PUBLIC HEARING

Meeting Date:	May 9, 2023
Subject:	First Reading by Title Only and Introduction of Proposed Ordinance Adding Chapter 150.080 Through 150.100, Entitled Vacant Buildings to Chapter 150, Building Regulations, to Title XV, Land Usage, of the Riverbank Code of Ordinances
From:	Marisela H. Garcia, City Manager
Submitted By:	Tom Hallinan, City Attorney

RECOMMENDATION:

Conduct a public hearing for the first reading of the proposed ordinance, waive further reading, read by title only, and introduce an ordinance of the City Council of the City of Riverbank adding Chapter 150.080 through 150.100, entitled Vacant Buildings to Chapter 150, Building Regulations, to Title XV, Land Usage, of the Riverbank Code of Ordinances.

BACKGROUND / SUMMARY:

Vacant buildings and buildings that are boarded up or in a state of disrepair (collectively, “vacant buildings”) often contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, and undermine the aesthetic character of a neighborhood. Additionally, vacant buildings have the potential to be detrimental to public health, safety, and welfare; unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood; and pose a danger to police officers or firefighters entering the premises in times of emergency.

With the continued development of the City, vacant buildings may become an issue the City will increasingly need to address. Currently, the Riverbank Code of Ordinances only regulates vacant buildings as a nuisance when they remain open to trespassers, become a shelter for vagrants, or otherwise become a threat to public health.¹ The proposed

¹ Riverbank Code of Ordinances, section 97.29.

ordinance establishes rules and regulations for vacant buildings that will allow the City to proactively address any challenges it faces with regard to vacant buildings in the future.

The proposed ordinance establishes a vacant or boarded building monitoring program (the “Program”) which is administered by the City Manager, or their designee. The Program identifies and monitors the maintenance of all vacant or boarded buildings in the City and allows the City to recover the costs of monitoring such buildings.

Any owner of a vacant building must register for the Program within thirty (30) days of the building becoming vacant or boarded and shall be subject to a fee set by the City Council. Owners registered in the Program must also provide the City Manager or their designee with a rehabilitation plan containing a statement outlining the owner’s plan to rehabilitate the property, such as repairing the premises for occupancy, meeting applicable codes, offering the premises for sale, lease, or rent; and a timeline for any of the actions mentioned. The City Manager or their designee, in their discretion, may waive the monthly fee of the Program upon a showing by an owner that they are progressing diligently to repair the premises; the building is being actively offered for sale, lease, or rent; or the City Manager or their designee determines that the building does not contribute toward blight, based on specific criteria.

Failing to register for the Program constitutes a violation subject to administrative penalties. An owner failing to register for the Program is provided a notice of violation, which commences a 30-day correction period. If the owner still has not registered for the Program after the 30-day correction period and any applicable extension, the owner is then subject to administrative penalties, not to exceed one thousand dollars (\$1,000) per violation. The ordinance provides various factors that may be considered when determining the amount of the administrative penalty. Such factors include the severity, extent and length of time in which the blighting conditions have existed on the property; the owner’s efforts, or lack thereof, to remedy the problem; staff time and costs incurred in investigating the conditions; and the extent, if any, to which an administrative penalty would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building. The ordinance also provides the owner an option to appeal any penalties assessed, and an opportunity for a hearing.

ALTERNATIVES:

The City Council may choose to do any of the following:

1. Introduce the ordinance for first reading;
2. Continue the item to a later meeting of the City Council and provide direction to staff for any changes; or
3. Reject the ordinance.

ENVIRONMENTAL DETERMINATION:

The proposed project is exempt from analysis under the California Environmental Quality Act (CEQA) under the “Common Sense Exemption” that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3) of the State CEQA Guidelines.

FINANACIAL IMPACT:

The proposed ordinance may increase City costs due to the need to monitor vacant buildings and enforce the provisions of the ordinance. Enforcement of the proposed ordinance may offset some of any costs that arise.

ATTACHMENTS:

1. Draft Ordinance 2023-

CITY OF RIVERBANK

ORDINANCE 2023-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, ADDING CHAPTER 150.80 THROUGH 150.100 ENTITLED VACANT
BUILDINGS TO CHAPTER 150, BUILDING REGULATIONS, TO TITLE XV, LAND
USAGE, OF THE RIVERBANK CODE OF ORDINANCES**

WHEREAS, structures that sit vacant, in a state of disrepair, or boarded up (collectively, “vacant buildings”) are public nuisances in that they often contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic nature of the City of Riverbank, and have other undesirable effects; and

WHEREAS, vacant buildings, and especially those which remain boarded or in a state of disrepair for more than six months, are unsightly and diminish neighboring property values and neighbors’ sense of well-being; and

WHEREAS, allowing certain buildings to remain vacant even in the absence of code violations or disrepair may pose a danger to police officers or firefighters entering the premises in time of emergency; and detracts from the appearance and good order of a neighborhood; and

WHEREAS, registration of vacant properties and implementation of a maintenance plan will discourage property owners from allowing their properties to remain vacant or in a state of disrepair and will thereby provide a basis for the return of vacant buildings to the housing stock and other good use; and

WHEREAS, the City Council of the City of Riverbank desires to impose certain rules and regulations on vacant buildings within the City of Riverbank.

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

SECTION 1. Sections 150.80 through 150.100, entitled Vacant Buildings, of Chapter 150, Building Regulations, of Title XV, Land Usage, shall be added to the Riverbank Municipal Code and shall read as follows:

VACANT BUILDINGS

Sections:

- 15.150.080 Findings: vacant or boarded buildings.**
- 15.150.081 Definitions.**
- 15.150.082 Vacant or boarded building monitoring program.**
- 15.150.083 Failure to register for monitoring program.**
- 15.150.084 Notice of violation.**
- 15.150.085 Permitted time periods to commence and correct violations.**
- 15.150.086 Securing vacant buildings.**
- 15.150.087 Opportunity for a hearing.**
- 15.150.088 Extension.**
- 15.150.089 Inspection of premises.**
- 15.150.090 Administrative penalty.**
- 15.150.091 Administrative penalty: factors.**
- 15.150.092 Payment of administrative penalty.**
- 15.150.093 Authority to designate agent to resume utility service.**
- 15.150.094 Penalties cumulative.**
- 15.150.095 Reserved.**
- 15.150.096 Reserved.**
- 15.150.097 Reserved.**
- 15.150.098 Reserved.**
- 15.150.099 Reserved.**
- 15.150.100 Reserved.**

15.150.080 Findings: vacant or boarded buildings.

The City Council finds as follows:

Vacant and boarded buildings are a major cause and source of blight in residential and non-residential neighborhoods. This is particularly true when the owner of the vacant building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings can attract transients and criminals. Use of vacant buildings by transients and criminals, who frequently employ primitive cooking or heating methods, creates a risk of fire for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and limit appreciation of property values.

Based on the likely economic and public health, welfare, and safety problems caused by vacant buildings, the City needs to monitor the status of vacant buildings so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the City. City departments involved in such monitoring include the police, public works and building departments and the code enforcement division. There is a substantial cost to the City for monitoring vacant buildings, whether or not those buildings are boarded up. It is the responsibility of property owners to prevent property they own from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare, and any costs to the City for monitoring vacant buildings should be borne by those owners.

15.150.081 Definitions.

The definitions contained in this section shall govern the construction of this Chapter.

“Blight” shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance pursuant to Section 98.03 of this Code, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.

“Boarded building” or “boarded up” shall mean a building, any of the doors or windows of which have been covered with plywood or other material.

“Vacant building” or “vacant” shall mean a building which is without a legal resident or occupant or which is not being put to a lawful commercial or industrial use.

15.150.082 Vacant or boarded building monitoring program.

A. Monitoring program. The City Manager or their designee shall be responsible for administering a vacant or boarded building monitoring program for identifying and

monitoring the maintenance of all vacant or boarded buildings in the City. Any building, residential or non-residential, which is boarded up by voluntary action of the owner or as a result of enforcement activities by the City or is vacant for more than ninety (90) days for any reason, must register for the program.

Every owner of a vacant or boarded building that is registered in the program shall be subject to a monthly fee in an amount set by resolution of the City Council not to exceed the reasonable cost of monitoring the vacant or boarded building, and must submit a rehabilitation plan containing:

1. A statement outlining the property owner's plan, if applicable, for repairing the premises for occupants, meeting all applicable codes, offering the premises for sale, lease, or rent, or actively maintaining and monitoring the premises,
2. The expected timeline for completing any actions listed above.

B. Fee waiver. The vacant or boarded building monitoring program fee may be waived by the City Manager or their designee upon a showing by the owner that:

1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy.
2. The building meets all applicable codes and is actively being offered for sale, lease or rent.
3. The City Manager or their designee determines that the building does not contribute to, and is not likely to contribute to blight, because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:
 - a. Maintenance of landscaping and plant materials in good condition.
 - b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.
 - c. Regular removal of all exterior trash, debris, and graffiti.
 - d. Maintenance of the building in continuing compliance with all applicable codes and regulations.
 - e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution, and criminal street gang activity.

C. Procedure. The vacant or boarded building monitoring program fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the County Assessor.

Any owner billed may apply for a waiver on the grounds set forth in subsection (B) of this section by submitting a written statement of the grounds for the waiver, and the

owner's daytime telephone number, to the City Manager or their designee within thirty (30) days after the billing is mailed to the owner. The City Manager or their designee shall review the written statement and may contact the owner to discuss the application for waiver. The City Manager or their designee shall prepare a written decision which shall be mailed to the owner.

Any owner who disagrees with the decision of the City Manager or their designee relating to an application for waiver may appeal by submitting a written appeal hearing request to the City Clerk within thirty (30) days of receipt of the City Manager or their designee's decision. The hearing shall be set and conducted pursuant to Sections 99.06 and 99.07 of this Code.

D. Collection. If the monthly fee is not paid within ninety (90) working days after billing, or within sixty (60) days after the decision of the City Manager or their designee or the outcome of an appeal hearing, the fee may be collected through a lien pursuant to Section 99.16 of this Code.

15.150.083 Failure to register for monitoring program.

Failing to register for the vacant or boarded building monitoring program as required in Section 15.150.082 within thirty (30) days of a building becoming vacant or boarded as defined in Section 15.150.081 shall constitute a violation of these provisions subject to administrative penalty.

15.150.084 Notice of violation.

A. Upon a property owner failing to register as required under Section 15.150.081, the City Manager, or their designee shall issue a notice of violation directed to the record owner of the premises. The notice of violation shall contain:

1. The street address and such other description as is required to identify the premises.
2. A statement specifying the conditions which constitute a violation of this Chapter.
3. A statement that administrative penalties may begin to accrue upon the expiration of the thirty (30) day correction period if the property owner does not register for the vacant or boarded building monitoring program. The statement shall state that the thirty (30) day correction period begins on the date of the issuance of the notice of violation. The statement shall identify the date of issuance.

4. A statement that upon registering into the vacant or boarded building monitoring program, the property owner shall be subject to a monthly fee and must submit a rehabilitation plan as specified in Subsection 15.150.082(A) .

5. A statement notifying the property owner that he or she may request a hearing within twenty (20) calendar days of the mailing of the notice to dispute the existence of any violation or to show cause why an administrative penalty should not be assessed in accordance with this Code. The statement shall notify the property owner that the thirty (30) day correction period shall be suspended from the date of a request for a hearing until such time as the hearing officer renders a decision.

6. A statement notifying the property owner that he or she may request an extension as provided for in Section 15.150.088.

B. The notice of violation, and any amended or supplemental notice, shall be served either by personal delivery or by return receipt mailing upon the record owner at his or her address as it appears on the latest equalized assessment roll of Stanislaus County, or as known to the City Manager or their designee. A copy of the notice and any amended or supplemental notice shall also be posted on the building.

15.150.085 Permitted time periods to commence and correct violations.

Any owner of a vacant or boarded building in violation of Section 15.150.082 shall register for the vacant or boarded building monitoring program within thirty (30) days of the date of the issuance of the notice of violation. The date of the issuance of the notice of violation shall be the date the notice of violation is mailed to the property owner or posted on the property as provided for in Section 15.150.084, whichever is earlier. Provided the property owner diligently pursues registration into the program, no administrative penalties shall be imposed. In the event the property owner does not request a hearing or correct the violation within thirty (30) days of the date of the issuance of the notice of violation, the City may impose administrative penalties as provided for in Section 15.150.090. In the event the property owner requests a hearing, the thirty (30) day correction period shall be suspended from the date of the request until such time as a decision is rendered. Upon the issuance of a decision, the property owner shall have the balance of the original thirty (30) day period to commence any necessary corrections or repairs before administrative penalties accrue.

15.150.086 Securing vacant buildings.

In administering the vacant or boarded building monitoring program, the City Manager or their designee may impose such requirements to secure the property as deemed reasonably necessary to protect the public health, safety, and welfare. The City

Manager or their designee shall notify the affected property owner of the decision to impose securing requirements in writing. Any owner who disagrees with the decision of the City Manager or their designee relating to any securing requirements may appeal by submitting a written appeal hearing request to the City Clerk within thirty (30) days of receipt of the written notice imposing securing requirements on the property. The hearing shall be set and conducted pursuant to sections 99.06 and 99.07 of this Code.

15.150.087 Opportunity for a hearing.

Hearings shall be scheduled and conducted as provided for in Sections 99.06 and 99.07 of this Code.

15.150.088 Extension.

The City Manager or their designee may, upon request of the owner of the premises grant a thirty (30) day extension for good cause shown. The City Manager or their designee may grant one (1) extension for each property in violation of these provisions. Administrative penalties shall not accrue during the extension period.

15.150.089 Inspection of premises.

A. If the property owner requests a hearing, the appeal hearing body may, with the consent of the owner, inspect the building and premises involved in the hearing prior to, during or after the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;
2. The parties are given an opportunity to be present during the inspection; and
3. The hearing body shall state for the record during the hearing, if requested, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed, and the conclusion drawn therefrom.

B. The owner shall have a right to rebut or explain the matters stated by the hearing body pursuant to subsection (A) either for the record during the hearing or by filing a written statement within five (5) days after the hearing for inclusion in the hearing record.

C. An inspection warrant or the owner's consent to inspect the building and surrounding properties is required unless such inspection can be made from areas in which the general public has access or with permission of other persons authorized to provide access to the property on which the building is located.

15.150.090 Administrative penalty.

A. Any owner of a vacant or boarded building who has failed to register for the vacant or boarded building monitoring program and who has failed to commence corrections within the correction period established under Section 15.150.085 or any extension as provided for in Section 15.150.088, shall be liable for administrative penalties.

B. Any violation of Sections 15.150.082 and 15.150.083 shall be a misdemeanor. Any administrative penalty imposed pursuant to this Chapter shall be in an amount not to exceed \$1,000 per building for each violation. Pursuant to Section 99.09(G), each and every day, or portion thereof, of continuing violation shall constitute a separate and distinct offense.

15.150.091 Administrative penalty- factors.

In setting the penalty, the City Manager or their designee shall consider factors including, but not limited to: the severity, extent and length of time in which the blighting conditions have existed on the property; the owner's efforts, or lack thereof, to remedy the problem; staff time and costs incurred in investigating the conditions; and the extent, if any, to which an administrative penalty would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building.

15.150.092 Payment of administrative penalty.

A. Upon the expiration of the thirty (30) day correction period, or any applicable thirty (30) day extension, whichever is applicable, the City shall send the property owner a letter notifying him or her of any administrative penalties being imposed. The administrative penalty shall become due and payable within thirty (30) days of the mailing of the letter notifying the property owner of the administrative penalty.

B. If the administrative penalty is not timely paid, the City may initiate action to collect the penalty by the remedies and procedures provided for in Chapter 99.

C. An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the 31st day following the date the penalty is due and payable as provided for in subsection (A) of this Section.

15.150.093 Authority to designate agent to resume utility service.

The owner of a vacant building may designate in writing to the City an agent to authorize the resumption of City utility service to the property. However, this Section shall not be interpreted to reduce or eliminate outstanding debts, fees or costs the owner or agent may be required to pay prior to City utility service connection.

15.150.094 Penalties cumulative.

Unless otherwise expressly provided, the remedies, procedures, and penalties provided by this Chapter are cumulative to each other and to any others available under State law or other City ordinances.

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage (00/00/00), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on May 9, 2023. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the ____ day of _____, 2023; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council ____ vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date: May 9, 2023

Subject/ Title: A Resolution to Approve the Appropriation of Additional Funds To The Claus Road Curb & Sidewalk Project Due To Unforeseen Conditions of the Sewer Line, Relocation of the Existing 2” Traffic Signal Conduit, and Abandonment of Existing 1” Water Service

From: Marisela H. Garcia, City Manager

Submitted by: Cody Bridgewater, Public Works Director
Kathleen Cleek, Development Services Administration Manager
Laura Graybill, Senior Project Coordinator

RECOMMENDATION

It is recommended that the City Council consider authorizing a budget amendment of \$202,804.00 to the Sewer Fund to repair the sewer line removal and installation, relocation of the existing 2” traffic signal conduit, and \$13,000 to the Water Fund to abandonment of existing 1” water service.

SUMMARY

On February 14, 2023 the City Council awarded Hensley’s Paving & General Engineering Inc. a contract to complete the construction of the Claus Road Curb & Sidewalk Project. Hensley’s Paving & General Engineering Inc. has started the clearing & demolition for this project. The contractor has found three issues that need to be addressed before the contractor can continue. City staff and City Engineer have reviewed each item and made a recommendation and the contractor has submitted a proposed change order costs for each item:

1. The existing sewer line is constructed of Corrugated Metal Pipe (CMP) and is in a rusted and deteriorated condition.

Recommended removal of existing CMP sewer line and installation of a sewer manhole, sewer lines and sewer laterals to back of walk. Due to the complexity of

the work site the expense includes digging around the existing utilities and sewage pumping. Costs to be paid from Sewer Fund in the amount of \$168,467.57. An additional \$16,847 is requested as contingency for a total of \$185,315.

2. A concrete encasement that runs under the new curb and gutter and asphalt areas, it starts at the traffic signal box on the north side of the project and runs south all the way to the traffic lights. They are unable to grade these areas and unable to efficiently perform the demo due to the depth and proximity of the sawcut edge.

Recommended to relocation of existing 2" traffic signal conduit, as the existing conduit will be removed for sewer line demo/installation. Costs to be paid from Sewer Fund in the amount of \$15,898.96. An additional \$1,590 is requested as contingency for a total of \$17,489.

3. Abandonment of existing 1" water service from across Claus Road. This service was set to be abandoned during a later project phase; however, the service connection location will be under this project's new concrete.

Recommended Abandonment of existing 1" water service from across Claus Road. Costs to be paid from the Water Fund in the amount of \$11,784.66. An additional \$1,178 is requested as contingency for a total of \$13,000.

Therefore, it is staff's recommendation that the City Council approve the additional appropriation of funds to the Claus Road Curb & Sidewalk Project to fund the unforeseen conditions of the sewer line removal and installation, relocation of the existing 2" traffic signal conduit and abandonment of existing 1" water service. Construction currently has stopped and impairs public safety.

FINANCIAL IMPACT

Original Budget Funding Approved by City Council with Measure L Funds – Bike & Pedestrian \$180,587.00.

The financial impact for the additional funds being requested will be \$202,803 (includes a 10% contingency) from the Sewer Fund and \$13,000 (includes a 10% contingency) from the Water Fund.

ATTACHMENT

1. Draft Resolution 2023-

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO APPROVE THE APPROPRIATION OF ADDITIONAL FUNDS TO
THE CLAUS ROAD CURB & SIDEWALK PROJECT DUE TO UNFORESEEN
CONDITIONS**

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

WHEREAS, on February 14, 2023 the City Council awarded Hensley's Paving & General Engineering Inc. a contract to complete the construction of the Claus Road Curb & Sidewalk Project; and

WHEREAS, after clearing, demolition and grading was started the project has experienced unforeseen conditions of the sewer line; and

WHEREAS, due to the removal of the sewer line it is required to relocate the existing 2" traffic signal conduit; and

WHEREAS, the abandonment of existing 1" water service is recommended; and

WHEREAS, the additional Sewer funds needed to resolve the removal and installation of sewer line, installation of a sewer manhole, sewer laterals to back of walk and relocation of existing 2" traffic signal conduit and complete the project is estimated at \$202,804.00; and

WHEREAS, the additional Water funds needed to resolve the abandonment of existing 1" water service from across Claus Road and complete the project is estimated at \$13,000.00; and

WHEREAS, City Council approves the additional appropriation of funds to the Claus Road Curb & Sidewalk Project; and

NOW, THEREFORE, be it resolved that the City Council of the City of Riverbank hereby authorizes the appropriation of additional funds to the Claus Road Curb & Sidewalk Project due to unforeseen conditions of the sewer and water line in the road where the curb and gutter is to be installed, which ultimately has an impact to public safety.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of May 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:

Gaby Hernandez
City Clerk

Richard D. O'Brien
Mayor