

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Council/Authority Members

District 1 - Luis Uribe

District 2 - Rachel Hernandez

Vice Mayor, 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 Street, Suite B
Riverbank, CA 95367



(AMENDED AGENDA ITEM 10.1)

TUESDAY, APRIL 23, 2024 – 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 Items 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.

IN PERSON COMMENTS- Please fill out a Comment Card & Return to the City Clerk

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 9, 2024.

Item 9.3 **Resolution** to Waive the Rental Fees for the Community Center and the Community Center Park Gazebo for the Mujeres Mexicanas de Accion Inc. for their Mexico Magico Event.

Item 9.4 **Resolution** to Waive the Rental Fees for the Plaza Del Rio for the Juneteenth Celebration Event on June 19th, 2024.

Item 9.5 **Resolution** Approving the Updated Compensation Plan for Part-Time/Temporary/Seasonal Positions Effective May 3, 2024.

Item 9.6 **Resolution** to Approve and Adopt 2024 City of Riverbank Measure L Expenditure Plan Project List.

10. PUBLIC HEARING

*The Public Notice For item 10.1 & Item 10.2 was published on 4/10 in the Riverbank News.
The Public Notice for Item 10.3 was published on 4/03 & 4/10 in the Riverbank News.*

LRA
Item 10.1 **Resolution Approving the Fiscal Year 2023-24 Mid-Year Budget Amendments for the Local Redevelopment Authority (LRA)**-It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) review and approve the Fiscal Year 2023-2024 LRA Mid-Year Budget Amendments.

Item 10.2 **A Resolution to Adopt the Fee Schedule for Cheese & Wine Sponsorships, Programs, and Merchandise.** It is recommended that the City Council consider adopting a Resolution to approve the fee schedule for Cheese & Wine Sponsorships, Programs, and Merchandise as seen in Exhibit A.

Item 10.3 **Resolution Authorizing a 9.4% Inflationary Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective May 15, 2024.** It is recommended that the City Council continue this public hearing to the next regular City Council meeting on May 14, 2024, due to inaccuracies in the initially published fees. The corrected fees have been reissued, along with a notification for the public hearing scheduled for May 14, 2024.
*** Item to be Continued.**

11. NEW BUSINESS

The Public Notice for Item 11.1 was published on 4/10 in the Riverbank News.

Item 11.1 **A Resolution Approving the Stanislaus Urban County and Stanislaus Home Consortium Fiscal Year 2024-2025 Annual Action Plan (APP) and Authorize the City Manager to Execute the CDBG and Home**

Consortium Agreement for Fiscal Year 2024-2025. It is recommended that the City Council open the Community Meeting, accept Public Comment, and consider adopting a Resolution approving Stanislaus Urban County and Home Consortium Fiscal Year 2024/2025 Annual Action Plan (AAP) and Authorize the City Manager to Execute the CDBG and HOME Consortium Agreement for Fiscal Year 2024-2025.

Item 11.2 **A Resolution to Approve an Employment Agreement Between the City of Riverbank and Joshua Mann as Director of Community Development and Authorize the City Manager to Execute the Agreement-** It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Joshua Mann as the new Director of Community Development.

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 – EXISTING LITIGATION**
(Pursuant to Government Code §54956.9) Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

Item 13.2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant Exposure to Litigation (Pursuant to Government Code §54956.9(d)) Number of Potential Cases: 1

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session **Item 13.1**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code §54956.9) Name of Case: City of Riverbank v. Schneider Electric Buildings America, Inc.

Item 14.2 Report from Closed Session **Item 13.2**
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation (Pursuant to Government Code §54956.9(d)) Number of Potential Cases: 1

15. ADJOURNMENT

The Next Regular City Council Meeting will be on: **Tuesday, May 14, 2024**

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 22nd day of April, 2024

/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 5:00 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/83840813274>

Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 838 4081 3274**

Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 838 4081 3274**

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:	April 23, 2024
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:	April 23, 2024
Subject:	Approval of the City Council and Local Redevelopment Authority Board Minutes for April 9, 2024.
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 9, 2024.

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. April 9, 2024 City Council and Local Redevelopment Authority Board Minutes.
2. Stanislaus Consolidated Fire Protection District Briefing Update Handout

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Council/Authority Members:
District 1 -Luis Uribe
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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, APRIL 9, 2024 – 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 O'Brien called the meeting to order at 6:00P.M.
- 2. FLAG SALUTE** –Mayor / Chair 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:
Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 2 Rachel Hernandez
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair District 3 Leanne Jones Cruz
Mayor / Chair Richard D. O'Brien

5. AGENDA CHANGES

No 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.*

None Declared.

7. PRESENTATIONS (Informational only)

Item 7.1 **Proclamation-National Library Week April 7, 2024- April 13, 2024-**
It is recommended that the City Council read and present the Proclamation for National Library Week to Vicky Holt, Library Assistant.

Mayor O'Brien presented the proclamation in recognition of National Library Week to Vicky Holt, Library Assistant.

Item 7.2 **Riverbank Representative Update by Stanislaus Consolidated Fire Protection District Board Director Charles E. Neal-** It is recommended that the City Council receive an update by Director Charles E. Neal the City's representative on the Stanislaus Consolidated Fire Protection District's Board of Directors.

Charles E. Neal, SCFPD Board Director gave an update on the business of the Stanislaus Consolidated Fire Protection District. (See Attached Handout)

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 6:12P.M.

Calvin Campbell, Riverbank Resident since 1986. I was a councilmember for 9 and a half years for District 3. The area I live in has no neighborhood park. A school used to be used as a park until the district fenced in all schools in the district because of vandalism. Three years ago, the former parks and recreation director asked me to walk this area to find vacant land for a neighborhood park for the area. We found a vacant lot over 2 acres on Stanislaus and Jackson Avenue. I brought that back to our city manager at that time. And he went in and tried to see if we could purchase it. At that time, it was not for sale by the out of town owner. Speed on ahead, our former city manager left us. He was replaced by Marisela up there. And I talked with Marisela about keeping on top of looking at the land, which she did, and so about a month after they put it up for sale. I brought that to closed session to the council and we talked about it, and they all agreed. We purchased the land, it was 5 to nothing vote. However, there was a disagreement on what we should do with land, somebody on the council said we should put all tiny little houses. My comment was, I've been looking for a neighborhood park for our area, because there's no school they can go to anymore. And by the way we are getting more children in our area right now. because a lot of people are selling out of our area that are older and moving on. And I didn't have any kids around for about 4 or 5 years. Now I've got about 8 or 10 families around here doing it, and we're seeing it all over. So meanwhile we came to a compromise. Now you listen to this, because 4 of you were there, one of you, was not. We agreed, and the mayor said we'll do it 50/50, 50 for a park, and 50 for tiny homes. I have no problem with that. I think that that's fair and reasonable. I have nothing against the tiny homes, but at the same time I don't think that we need to put it all tiny homes when our area has no, you know, regional neighborhood park. And we need to do something about that. And there's not another lot around there in that particular area. Just to let you know in the Riverbank's parks and recreational plan, it states that a neighborhood park can be 1.5 acres to 10 acres. There should be an acre of land for every 1,000 people. According to that, also. again, I have nothing against tiny homes. They are used correctly as long as they don't interfere with the residential citizens, and I think this is intruding with our residential citizens. We are the only area in this town without a neighborhood park, so I would like for the City Council to bring it back again and phase

the agreement. Why not put just 9 tiny houses on it? and have the acreage there for a park and if you don't find us a park.

Rich Holmer, Riverbank Resident California State has had a park equity program for a long time back in the 60's through the 90's, developers were required to give 10 acres of land for a public park for one, for every 1,000 people. And I'm not quite sure what that is today, or what Riverbank's numbers are, it's been a while since I've been here. But, that up in the 90's, that was still being collected. Also, and this is still a part of this California State equity plan, that park should be within a half mile zone of a thousand people. Our closest park is Zerillo. which is across Patterson, and in that complex over there. Its over a mile, probably a little more than that. You know, District 3, I think, probably has the least number of parks in any district in the area. Up until recently, I can remember, I used to take my daughter over to, you know the Rio Altura that became the Language Academy, and we go over there shoot baskets, soccer team had tryouts. You can't do that anymore because the schools are closed. It can't get to the schools. So that's gone. In fact, we have a partnership with Cardozo School, we paid half of for that gymnasium there, and I certainly hope that we're still getting our fair share out of that like, I said. I don't know. Like, Cal said, I understand that there's going to be an area on Jackson and Stanislaus, which is about 2 and a half acres. And they're building tiny homes. I once again, I don't have a problem with that. But I do think that I've heard that the developer was going to give one twelfth of one acre for a park. Now 1/12 of one acre for a park, my front yard's bigger than that. That's ridiculous. I would think at least 50%, or at the minimum, half acre should to be devoted to the park so that the children, the adults, can have a place to go in our area. We're the only area of the northwest area that does not have another place for a park. The only other option you could have would be to talk to the school district. Because, that's a big yard they have over at Language Academy, and see if they would sell property you for a park. But this seems much easier, since you're already own the property. So, I hope you will listen to what I had to say tonight and reconsider the action so far.

Karen Conrotto, Modesto Resident Once again I'm here to say that I'm opposed to the River Walk Project. On my way over here tonight, there was an accident on the bridge on McHenry to River Road. And it took me half an hour to get here and I took shortcuts that I know that everybody else was lined up. They would have taken them another 15 or 20 min to get here. So, if you put the whatever 6 or 7,000 estimated cars on the road, you know your residents are really fed up with the traffic jams. I think that's something else to consider. You already know my other points of contention with this project.

Olivia Arambula, Owner of Timeless Real Estate here in Riverbank, and I also am a member of your Chamber of Commerce here, Riverbank. I'm just up here today, to let you know about some of the events we have coming up for the Chamber of Commerce. We do have one on Tuesday. April 23rd, at Perko's Café, it's going to be from 4 pm to 5:30 pm. it's a membership drive. So, please come on out support. We'll probably have pie and ice cream like last night, so just trying to involve our Riverbank businesses here, and those who do business in Riverbank to come on out and hopefully join up, be part of chamber, trying to come much stronger chamber. and produce more for all of our small businesses to, you know, keep them more active and more community driven. And then

also we have a multi-chamber mixer on May 2nd, from 5:30 PM. To 7:30 PM. And it is going to be at our 108 Sports Lounge here on Atchison Street. That is going to it's going to be for all the multi-member, all the chambers in our area. We just had one last week where over 100 people attended. So, we're hoping to get at least a good portion of that to our Riverbank business and 108 Sports Lounge, who are also Chamber members as well. So, you're all invited. There'll be snacks. There's stuff to play. There're pool table things like that. I've been looking at pictures, so I'm going to be in there for the first time that day, not sooner. So, thank you so much. Just wanted to invite you guys all out. So, we appreciate you. Come, thank you.

Charles E. Neal, Riverbank Resident I, too, would like to say, you know, I'll back up what they were talking about, a park. We do need one, you all are right.

Dave Romano, I heard that there were props at the last City Council meeting in the public comment. And so, I wanted to kind of watch and see what was said. As you know, I'm in the land use and development business. I've been doing it for 30 plus years. I've had the great pleasure of doing a lot of projects in the city of Riverbank. And so, as we kind of look at the world and we look at what's going on, I always think it's important that there be a few facts that we're able to look at the reality of what's going on. So, I ordered, I didn't really want to do it, but I ordered a book called "The Population Bomb" for those of you that know about the population bomb. It was written in 1968 by a Stanford professor who told us that the battle to feed all of humanity is over, In the 1970's and 1980's, hundreds of millions of people will starve to death in spite of any crash programs embarked upon them. This is one of the premier scientists still today in the United States. And the reality is none of this catastrophe has come to pass. And, so, I think when we look at ag land and ag conversion, how we use our agricultural land. Facts are always important from the 50 years since this book was written from the period of 1970 to 2020, Stanislaus County has grown from about 260,000 residents to about 550,000 residents. The world has grown from about 3.7 billion to 7.8 billion people for both of those that's about a 100 to 110% growth rate. In the same period, based upon the Stanislaus County, Ag. Commissioner's reports. Our harvested acreage in Stanislaus County has increased from 780,000 acres to over 909,000 acres. And our farm value has grown from 232 million to over 3.5 billion a 15-fold increase. When we develop, ag land is paved over. But, our farmers are resilient. They're adaptable. We've continued to find ways, not only to feed the world. But to continue to grow our crops. And so, you would think that even in this window, and the prices of food increasing, that what food costs us at the grocery store would increase. According to the USDA in 1970 we spent about 13% of our budget on food. Today, it's about 10%. So, we continue to produce food. We continue to grow crops. We continue to use our land more effectively, and we continue to get cheaper and better food. Even with an increase in how much we eat out. So, I think it's important that when we look at land we understand that we need to use the land to benefit all the people.

Randy Richardson, I just wanted to remind everybody that our Love Riverbank event is coming up April 27th. It'll begin at 8 in the morning at the Community Center Park. And it's really super important that everybody registers online. That it's live right now, it's loveriverbank.com and if you register and you show up we'll give you a T-shirt. We'll give you a meal ticket. You'll be able to have lunch on us anywhere in the Carnival. We'll also

have a cup of coffee waiting for you. I think one of the things I picked up mostly from coming to city council meetings, is that we all love Riverbank. And so, it's just an opportunity for us to come, put some gloves on together, and clean up our communities, our parks and plant trees. So, I just hope everybody just takes a heart, and then not wait till last minute, but register now, so that we can be prepared for you and coming.

Jami Aggers, Modesto Resident, nice attempt on David Romano's part to downplay the loss of agricultural land. With respect to the River Walk, proposed project, you know he is paid for by the project proponent. So, please keep that in mind. I would just like to say that the comments from the public and responsible agencies with respect to the draft environmental impact report for the project will stand on their own merits, and we will just see.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:28P.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 March 26, 2024.

Item 9.3 **Acceptance** of the Sierra House Remodel Project and Authorization to File a Notice of Completion.

Item 9.4 **Resolution 2024-015** to Award Bid for the Claribel Road Overlay Project to George Reed, Inc. and Authorize Execution of Future Change Orders.

Item 9.5 **Resolution 2024-016** accepting the Public Improvements from SCM Hearthstone, LLC for The Heritage Collection Subdivision.

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

10. PUBLIC HEARING- No Items Scheduled.

11. NEW BUSINESS

Item 11.1 **City of Riverbank 2023 Annual General Plan Progress Report and 2023 Housing Element Annual Progress Report of the City's General Plan Housing Element.** Staff recommends adopting Resolution 2024-XX, adopting the 2023 Annual General Plan Progress Report and ratifying the submittal of the 2023 Housing Element Annual Progress Report to the Governor's Office of Planning and Research and the Department of Housing and Community Development.

Contract City Planner Miguel Galvez and Michael Arroyo, Assistant Planner with J.B Anderson Planning gave a comprehensive staff report and Power Point presentation on the 2023 Annual General Plan Progress Report and 2023 Housing Element Annual Progress Report of the City's General Plan Housing Element.

City Council Discussed item with City Staff.

Jami Aggers, thank you for the opportunity to comment on this item. I'm concerned that the city needs to quote the previous speakers strategically, plan for these dwelling units. But you don't necessarily have to meet or build them again. Another quote from this previous speaker. I'm very concerned that since the year 2016, or for the last 8 years there's been no progress made in the very low- or low-income categories, and even the moderate-income category, with the exception of 5 accessory dwelling units. 597 which you know to your benefit 5 people decided to convert a garage, or, I don't know. Add a second story or another bedroom onto their property, which is, helping you meet your numbers. But you're seriously not meeting your very low, lower, moderate income category numbers. You're making great strides in your above moderate category income levels but you're not making progress in the other income categories. Thank you for your time.

Olivia Arambula, Timeless Real Estate here in Riverbank, and I will say that a lot of my buyers have gotten priced out past few years. If there's anything that I can do, go with you to the different developments, or whatever it is that we need to do to make it more affordable, I would love to be part of that plan to do that, because we do have a lot of people who they wouldn't have been considered low income. But the pricing has just gotten so high, that they have great jobs, and they just can't afford to buy home. There's 2 people in a home that are both working with full time jobs that are great incomes, or maybe it was about 5 years ago. But anything we can do that can that we can come up with, I would just love to be a part of that, because that is what I do. I try to find people homes that are affordable, and forms that they can live in and it can't all be apartments. They need to have homes for their big families. You know, I have 7 kids, an apartment wouldn't have worked for me. So just let me know if there's anything that I can do to help with that program. If there is a sit-in committee or anything you want me to do, I'm here to help with that. So please let me know if you need my help.

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

ACTION: By motion moved and seconded (Uribe / Barber-Martinez 5/0) to adopt **Resolution 2024-017** adopting the 2023 Annual General Plan Progress Report and ratifying the submittal of the 2023 Housing Element Annual Progress Report to the Governor's Office of Planning and Research and the Department of Housing and Community Development.

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 reported on the following:

- The City is currently recruiting for a Senior Neighborhood Improvement Officer, who works on addressing code enforcement complaints and issues that are received from residents. Additional information and application are available online. The application period will end on April 29th.
- Reminder to all of our residents that our summer watering schedule has started as of April 1st. So, odd addresses can water on Wednesdays, Fridays, and Sundays even addresses on Tuesdays, Thursdays, and Saturday, both before 10am or after 7pm. No watering on Mondays.
- Thank you to everyone from the City Council and the community that have donated items to our Sierra House Day use facility with the opening of the Sierra House itself. We'd like to encourage everyone to continue to donate. Our Amazon wish list is available on our website.
- And last, but not least, I'd like to thank the Stanislas Latino Chamber of Commerce for all of their efforts in helping our small businesses here in our community. We just recently hosted their business 101 workshop, where the cities of Modesto Ceres, Riverbank and Stanislaus County planning staff provided information on planning and permits that were necessary to start a business here in their jurisdictions. So, please follow our social media for more workshops to come.

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- I am just really inspired by the conversation today. And I feel like just like the tiny home ordinance ADU, we can really lead the way in the county and figuring out some type of policy or ordinance for affordable housing or creating a program, obviously with due diligence. But, I mean the needs of the residents are simple, and I've been having conversations with Marisela, about wanting to present some language to you all. And I would love, you know, if we could be on the same page to support that, to move forward with being intentional, and I don't know if this is

the right word, but aggressive with trying to meet our very low, low, and even moderate-income housing needs.

Councilmember Uribe reported on the following:

- April 15th I'll be having a meeting with MID. Residents kind of asked, so, this will be a very educational meeting for me what it would take to kind of expand services in a Riverbank. So, I'll be asking some questions about infrastructure development, the approvals needed for that, and some financial planning, and see what that kind of looks like for the City of Riverbank*
- April 23rd I'll be hosting a small business meeting at the LRA Building 18. It'll be from 12pm to 1pm, so whether you're a brick and mortar, or just starting up at your house. Please, spread the word. The address is 5300 Claus Road. I'll be joined by Michael from Parks and Rec. So, thank you for being there. German, from SBDC and multiple Chambers will be there as well.*

Councilmember Barber-Martinez reported on the following:

- Stanislaus Homeless Alliance (SHA) meeting is tomorrow, Wednesday from 5:30pm to 7:30pm at 1010 Tenth Street. We will be discussing and looking at homeless prevention strategies for older adults.*

Vice Mayor Jones Cruz reported on the following:

- Nothing to Report.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- First water goals from the State.: Do we have that determined yet?
City Manager Garcia, No, they're still under public comments. So, what the Mayor is referring to is that the State Water Board has been looking at refining water usage within each of the jurisdictions in the State of California. Actually, providing more restrictions as to when water can be used and how much water should be used. So, it will actually look to implement, just like when we had the drought, certain parameters that we will have to decrease our water usage by. Those are out for public comment. Should anybody be interested in receiving those, we can forward those to you, but they have not yet implemented them for Riverbank. What that represents is that they're looking at an almost 50% decrease in water usage. So, we've been talking to the state about how those calculations were made, and looking to make some adjustments to that figure, because 50% is a significant amount to ask our residents to reduce their water usage by.*
- The Air Board to step their board still has or is reimplementing the clean room filters for those who do not qualify for it. There are some areas where you can either purchase the clean room air filters, or places like Costco or Walmart may have the kits available that you could build.*
- I know we have our own bike month. But, May is also bike month for the nation and bike week, I believe, is the second week in May. And if you ride your bike to*

work you and sign up. You are eligible for some significant prizes in Stanislaus County through Staniscruise.

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 PUBLIC EMPLOYMENT

(Pursuant to Government Code §54957)

Title: Director of Community Development

There being no further Public Comments, Mayor O'Brien moved to Closed Session at 7:10 P.M.

Reconvened from Closed Session at 7:21P.M.

14.1 REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session Item 13.1

PUBLIC EMPLOYMENT

(Pursuant to Government Code §54957)

Title: Director of Community Development

ACTION: *Direction has been provided to staff.*

15. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 7:21 P.M. to the next regular scheduled City Council / LRA Meeting of April 23, 2024 at 6:00 P.M.

ATTEST: (Adopted 04/23/2024)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/ Chair

CITY OF RIVERBANK BRIEFING

- SCFPD received the donation of our facility K9, Tank, from Thor's Hope Foundation. Tank has been a wonderful addition to the SCFPD team and has helped provide emotional peer support to not only the SCFPD staff, but he also was able to provide support to staff at Alameda Fire after a tragic incident.
- We welcomed six (6) new Firefighters and two new Captains. We had the pleasure of promoting four (4) Engineers, one (1) Captain, one (1) Battalion Chief, and one (1) Deputy Chief.
 - Promotions:
 - Deputy Chief Clint Bray
 - Battalion Chief Scott Burke
 - Captain Jesse McDaniel
 - Engineer Jordan Abreu
 - Engineer Byron Baker
 - Engineer Dylan Foster
 - Engineer Shawn Summers
 - New Hires
 - Firefighter/Paramedic Dominic Miranda
 - Firefighter Coby Bryant
 - Firefighter Jennifer Saavedra
 - Firefighter Niko Lombrana

- After 20 years of service with the District, Battalion Chief Eric DeHart retired March 28th, 2024. He accepted the position of Fire Chief with the Ripon Consolidated Fire Department. We wish him well in his new venture and he will be missed!
- SCFPD has been able to send ten (10) employees to Paramedic school through the Assistance to Firefighter Grant (AFG). This not only has benefited the employees by furthering their education and capabilities but has also enabled us to certify Riverbank Station 26 as an ALS company and continue to certify other SCFPD stations as ALS companies. This will improve the quality of care our citizens receive and enhance our life saving abilities.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date: April 23, 2024

Subject: Resolution to Waive the Rental Fees for the Community Center and the Community Center Park Gazebo for the Mujeres Mexicanas de Accion Inc. for their Mexico Mágico Event.

From: Marisela H. Garcia, City Manager

Submitted by: Michael Patton, Parks and Recreation Director

RECOMMENDATION

It is recommended that the City Council consider waiver of the fees for the Community Center and the Community Center Park Gazebo in the amount of \$1,710.00 by transferring \$1,600.00 to the revenues account for the Community Center and \$110.00 to the revenues account for the revenues account for Recreation Miscellaneous Revenues from the City General Fund for the Mujeres Mexicanas de Accion Inc. for their Mexico Mágico event contingent on the following:

- The organization pays a \$600.00 refundable security deposit.
- The organization pays all other fees associated with hosting the event (ABC license, insurance, security, materials, equipment, etc.)
- Abides by all city facility rental policies and procedures.
- Abides by all city, state, and federal laws, policies, and guidelines for special events.
- Lists the City of Riverbank as a sponsor on all advertising and marketing material for the 3rd annual Mexico Mágico event.

SUMMARY

The Mujeres Mexicanas de Accion Inc. has asked the Parks and Recreation Department to reserve the Community Center for June 15, 2024 for their 3rd annual Mexico Mágico event. The organization has also requested that the community center rental fee of \$1,600.00 and the Community Center Park Pavilion fee of \$110.00 be waived as the organization is a non-profit and that the event will be serving the community. The Parks and Recreation Department does not have an approved policy that gives them the

authority to waive facility fees and so the department is requesting the City Council to do so contingent that the organization provides the City with a refundable security deposit.

In doing so, the Parks and Recreation Department will be following its normal procedures with rentals, which include administrative efforts to ensure the organization has met all of the requirements to rent the facility, as well as provide staff onsite during the event. These costs are typically covered in the rental fee, however, if waived, the department and the facility would operate at a loss to host the event. The Parks and Recreation Department is requesting the City Council to transfer the community center rental fee cost of \$1,600 to the revenue account of the community center and \$110.00 to the revenue account for Recreation Miscellaneous Revenues so that the mentioned costs, plus other miscellaneous costs of using the community center and the pavilion, like utilities, can be covered by the General Fund.

BACKGROUND

The City of Riverbank has met with the founder of the Mujeres Mexicanas de Accion Inc on two occasions in preparation for their 3rd annual Mexico Mágico event at the Community Center and Park. On March 27, 2024, the organization submitted a formal letter to the City with requests for City support including waiver of facility fees, financial and marketing assistance, and City participation. The Parks and Recreation Department does not have an established policy in place that allows the department to waive facility fees for any group or organization, hence the desire to present this item to the City Council for their consideration.

The City has recently waived the rental fee associated with the City's facilities for the City of Riverbank Historical Society for their annual Mother's Day Breakfast Fundraiser Event. The City has performed similar actions for other non-profit organizations in the past.

FINANCIAL IMPACT

The financial impact of waiving the rental fee for the Mujeres Mexicanas de Accion would be overhead costs of the group using the facilities incurred onto the Parks and Recreation Department. The Department is requesting that \$1,600.00 be transferred from the City's General Fund and placed into the revenues account for the community center and \$110.00 to Recreation Miscellaneous Revenues to mitigate the department taking on the additional expenditures for the event. The organization has paid a \$100.00 booking fee to reserve the date of the event.

STRATEGIC PLAN

According to the city's Parks and Recreation Master Plan, it states, "when planning programs and services, a department should consider the network of opportunities afforded by other organizations such as nonprofits, schools, other public agencies, and the private sector. Departments should also recognize where gaps in service provision occur and consider how unmet needs can be addressed." Creating the opportunity for the

organization, a nonprofit, to host a community event would fill in 'gaps' that the Parks and Recreation Department is currently unavailable to fill.

ATTACHMENTS

1. Resolution 2024-XXX
2. Letter from Mujeres Mexicanas de Accion Inc.

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF RIVERBANK, CALIFORNIA WAIVING
RENTAL FEES FOR THE COMMUNITY CENTER AND THE COMMUNITY CENTER
PARK PAVILION FOR THE MUJERES MEXICANAS DE ACCION, INC. 3RD
ANNUAL MEXICO MAGICO EVENT**

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

WHEREAS, the City of Riverbank values the contributions of organizations such as the Mujeres Mexicanas de Accion, Inc. to the community's cultural heritage and enrichment; and

WHEREAS, the Mujeres Mexicanas de Accion, Inc. has requested the use of the Community Center facilities and park to host their 3rd annual Mexico Magico Event; and

WHEREAS, in recognition of the societal significance of the event, the City Council finds it fitting to support the Mujeres Mexicanas de Accion, Inc. efforts by waiving the rental fee for the Community Center and Park Pavilion.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Riverbank as follows:

Section 1: Waiver of Rental Fee

The City Council hereby waives the rental fee for the Mujeres Mexicanas de Accion, Inc. to utilize the Community Center facility and the Community Center Park Pavilion for their 3rd Annual Mexico Magico Event on June 15, 2024, contingent upon the following:

- The organization pays a \$600.00 refundable security deposit.
- The organization pays all other fees associated with hosting the event (ABC license, insurance, security, materials, equipment, etc.)
- Abides by all city facility rental policies and procedures.
- Abides by all city, state, and federal laws, policies, and guidelines for special events.
- Lists the City of Riverbank as a sponsor on all advertising and marketing material for the 3rd annual Mexico Magico event.

Section 2: Transfer of Funds

The City Council authorizes the transfer of \$1,600 from the General Fund to the Community Center Fund revenues and \$110 to the Recreation Miscellaneous revenues. These funds are designated to offset the costs associated with hosting the Mexico Magico Event, thereby mitigating any impacts on the Parks and Recreation Department budget.

Section 3: Effective Date

This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of April, 2024; 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



Mujeres Mexicanas de Accion Inc

Mexican Women of Action Inc

2354 Lambert Street, Modesto, CA 95354

mujeremexicanasdeaccioninc@gmail.com

(209) 499-0605

March 27, 2024

Marisela Garcia, City Manager
City of Riverbank
6707 3rd Street
Riverbank, CA 95367

Dear Ms. Garcia,

We are thrilled to announce the planning of our 3rd Annual Mexico Magico free community cultural event, scheduled for June 15, 2024, from 10 am to 6 pm at the Riverbank Community Center & Park. We are reaching out for your support to make this event a success.

BRIEF HISTORY & MISSION OF MUJERES MEXICANAS DE ACCION (MMA):

For over a decade, our founder, Cristina Avalos, has been dedicated to empowering women, especially those affected by domestic violence, through workshops, counseling, and training. Recognizing the entrepreneurial spirit in these women, MMA has focused on providing business training, investment coaching, leadership skills, and self-improvement resources, all in Spanish. As a result, Mujeres Mexicanas de Accion Inc was established as a 501(c)(3) Non-Profit Organization.

Our mission is to educate women and families, helping them to start and grow businesses, improve their lives, and promote arts and culture.

MEXICO MAGICO EVENT DESCRIPTION:

This year we will kick off our annual event with a Mexican Breakfast and Aztec Dancers as we honor our elected visiting dignitaries from various states in Mexico including Michoacan, Jalisco, Hidalgo, Guanajuato & Guerrero.

Mexico Magico is a vibrant celebration of Mexican arts, culture, and traditions, featuring:

- Mexican Youth Charro performance from Ameca, Jalisco
- Dance of the Old Men (Danza de los Viejitos) from Patzcuaro, Michoacan
- Mexican Purepecha Fashion Show from Patzcuaro, Michoacan
- Arts & Craft Booth from various states in Mexico
- Local Mexican Music Performances
- Ballet Folklorico dance performance
- Food vendors, Cultural Games for children, and raffles

REQUEST FOR CITY SUPPORT AND PARTICIPATION:

Mujeres Mexicanas de Accion Inc's is seeking the following support from the City of Riverbank:

1. Waiver of all associated City of Riverbank fees for use of the community center, park, and gazebo and any required event permit fees
2. Financial sponsorship to offset event costs including: sound system, event stage, digital screen, insurance, and other expenses.
3. Marketing assistance to provide our event access to all City of Riverbank promotional spaces in the Downtown area and online wherever possible.
4. We request the participation of the City Manager, Mayor, and City Council at our opening breakfast to welcome our visiting elected dignitaries from Mexico.

We urge you to sponsor our annual free community event at the highest level you can. If you have any questions, please do not hesitate to contact our Founder and CEO Cristina Avalos at (209) 499-0605 cell, mujeremexicanasdeaccioninc@gmail.com.

Sponsorship checks can be made payable to:
2354 Lambert Street, Modesto, CA 95354

Mujeres Mexicanas de Accion Inc
Non-profit tax identification number: 92-3205990

Thank you for your time and consideration.

In Community, In Action,

A handwritten signature in brown ink, appearing to be 'Cristina Avalos', with a stylized 'A' and a long, sweeping underline.

Cristina Avalos, Founder & CEO

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date: April 23, 2024

Subject: Resolution to Waive the Rental Fees for the Plaza Del Rio for the Juneteenth Celebration Event on June 19, 2024

From: Marisela H. Garcia, City Manager

Submitted by: Michael Patton, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider waiver of the fees for the Plaza Del Rio in the amount of \$50.00 by transferring \$50.00 to the revenues account for the Miscellaneous Revenues account for Parks and Recreation from the City General Fund for the Juneteenth Celebration event contingent on the following:

- The organization pays a \$300.00 refundable security deposit.
- The organization pays all other fees associated with hosting the event (ABC license, insurance, security, materials, equipment, etc.)
- Abides by all city facility rental policies and procedures.
- Abides by all city, state, and federal laws, policies, and guidelines for special events.
- Lists the City of Riverbank as a sponsor on all advertising and marketing material for the Juneteenth event.

SUMMARY

Sullie Entertainment Production has asked the Parks and Recreation Department to reserve the Plaza Del Rio for June 19, 2024 for their Juneteenth Celebration event. The organization has also requested that the rental fee of \$50.00 be waived as the organization will be hosting this free event that will be serving the community. The Parks and Recreation Department does not have an approved policy that gives them the authority to waive facility fees and so the department is requesting the city council to do so.

In doing so, the Parks and Recreation Department will be following its normal procedures with rentals, which include administrative efforts to ensure the organization has met all of the requirements to rent the facility. These costs are typically covered in the rental fee, however, if waived, the department and the facility would operate at a loss to host the event. The Parks and Recreation Department is requesting the City Council to transfer the community center rental fee cost of \$50.00 to the revenue account for Miscellaneous Revenue for Parks and so that the mentioned costs, plus other miscellaneous costs of using the Plaza Del Rio, like utilities, can be covered by the General Fund.

BACKGROUND

The City of Riverbank has met with Sullie Entertainment Production on one occasion in preparation for their Juneteenth Celebration event at the Plaza Del Rio. On April 10, 2024, the organization met with department staff to discuss the event and request waivers for fees and financial assistance for the event. The Parks and Recreation Department does not have an established policy in place that allows the department to waive facility fees for any group or organization, hence the desire to present this item to the City Council for their consideration.

The city has recently waived the rental fee associated with the city's facilities for the City of Riverbank Historical Society for their annual Mother's Day Breakfast Fundraiser Event. The city has performed similar actions for other organizations in the past.

FINANCIAL IMPACT

The financial impact of waiving the rental fee for Sullie Entertainment Production would be overhead costs of the group using the facilities incurred onto the Parks and Recreation Department. The Department is requesting that \$50.00 be transferred from the City's General Fund and placed into the account for miscellaneous revenues to mitigate the department taking on the additional expenditures for the event.

STRATEGIC PLAN

According to the city's Parks and Recreation Master Plan, it states, "when planning programs and services, a department should consider the network of opportunities afforded by other organizations such as nonprofits, schools, other public agencies, and the private sector. Departments should also recognize where gaps in service provision occur and consider how unmet needs can be addressed." Creating the opportunity for the organization, a nonprofit, to host a community event would fill in 'gaps' that the parks and recreation department is currently unavailable to fill.

ATTACHMENTS

1. Resolution 2024-XXX

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF RIVERBANK, CALIFORNIA WAIVING
RENTAL FEES FOR THE PLAZA DEL RIO FOR THE JUNETEENTH CELEBRATION
EVENT ON JUNE 19, 2024**

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

WHEREAS, Juneteenth is a significant historical event commemorating the emancipation of enslaved African Americans in the United States, and it is celebrated annually on June 19th; and

WHEREAS, the City of Riverbank recognizes the importance of celebrating Juneteenth and promoting cultural awareness and unity within the community; and

WHEREAS, an event is planned to celebrate Juneteenth at Plaza Del Rio on June 19, 2024, and the event organizers have requested support from the City of Riverbank to facilitate the event; and

WHEREAS, the City of Riverbank acknowledges the value of supporting community events that promote diversity, inclusion, and historical awareness.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Riverbank as follows:

Section 1: The City of Riverbank hereby waives the rental fee the Juneteenth Celebration event to be held at Plaza Del Rio on June 19, 2024 in the amount of \$50.00 contingent on the following

- The organization pays a \$300.00 refundable security deposit.
- The organization pays all other fees associated with hosting the event (ABC license, insurance, security, materials, equipment, etc.)
- Abides by all city facility rental policies and procedures.
- Abides by all city, state, and federal laws, policies, and guidelines for special events.
- Lists the City of Riverbank as a sponsor on all advertising and marketing material for the Juneteenth event.

Section 2: Transfer of Funds

The City Council authorizes the transfer of \$50.00 from the General Fund to the Miscellaneous Revenues account for Parks and Recreation. These funds are designated

to offset the costs associated with hosting the Juneteenth Event, thereby mitigating any impacts on the Parks and Recreation Department budget.

Section 4: Effective Date

This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of April, 2024; 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

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date:	April 23, 2024
Subject:	Resolution Approving the Updated Compensation Plan for Part-Time/Temporary/Seasonal Positions Effective May 3, 2024
From:	Marisela H. Garcia, City Manager
Submitted by:	Cheryl Stefani, Human Resources Analyst

RECOMMENDATION

It is recommended the City Council consider adopting the updated City of Riverbank Compensation Plan for Part-Time/Temporary/Seasonal Positions for use effective May 3, 2024.

SUMMARY

By adopting the City of Riverbank Compensation Plan with an effective date of May 3, 2024, the goal is to attract new part-time employees and to be competitive in hourly pay as compared to neighboring agencies. Not all departments need to increase their part-time position(s) hourly wages so the Compensation Plan for Part-Time/Temporary/Seasonal Positions has been restructured to be separated by department with each department having its own designated ranges for hourly wages. This will facilitate any proposed future wage changes.

BACKGROUND

The City of Riverbank maintains a separate Compensation Plan for Part-Time/Temporary/Seasonal Positions for hourly pay rate positions that are not part of the City of Riverbank Compensation Plan. The part-time positions included in this plan do not receive benefits other than the State of California-required sick leave.

Effective January 1, 2024, the minimum wage rate in California increased to \$16.00/hour for all employers with 26 employees or more. The majority of positions within the current Compensation Plan for Part-Time/Temporary/Seasonal Positions are designated to the Parks and Recreation Department, and due to the increase in minimum wage now either fall below or are at the threshold of \$16.00/hour. In a conscious effort to attract new part-

time candidates and be competitive in pay with neighboring agencies, it's necessary to increase the hourly wages for these part-time Parks and Recreation positions.

Our current compensation salary plan for part-time staff covers all departments. When a range is assigned to a position and that range receives a wage increase, all positions with that assigned range would receive the increase. However, it's recognized that not every department in the current Compensation Schedule has positions that warrant wage increases at this time. As a result, the current Compensation Plan for Part-Time/Temporary/Seasonal Positions has been restructured and separated by department and each department assigned its own set of pay ranges for its relevant positions. This allows for updates to be proposed independently per department without increasing the wages of other positions with the same range.

In addition, it's been determined the following part-time positions are no longer needed and have been omitted from the updated Compensation Plan for Part-Time/Temporary/Seasonal Positions: Senior Recreation Leader, Assistant Pool Manager, and Site Monitor.

Last summer the City had difficulty recruiting lifeguards which caused the need to limit the number of classes and programs offered. A lifeguard salary survey was completed for the surrounding area. Based on this information, staff has recommended a greater increase to the lifeguard position hourly wage. Staff does hope that this hourly increase will assist in attracting and retaining experienced lifeguards. Retaining experienced lifeguards will increase the quality of our pool and aquatic programs and provide cost savings associated with certifying and training lifeguards, in addition to expanding the programs being offered.

FINANCIAL IMPACT

For Fiscal Year 2023/2024, the cost will be covered by existing appropriations. For the budget of Fiscal Year 2024/2025, it is estimated that the salaries associated with Recreation will have an increase of \$17,000 with \$10,000 of that associated with the Aquatic program. These increases will primarily be covered by the General Fund.

ATTACHMENT

1. Resolution 2024-
Exhibit A: Proposed City of Riverbank Compensation Plan for Part-Time/Temporary/Seasonal Positions
2. Current City of Riverbank Compensation Plan for Part-Time/Temporary/Seasonal Positions

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
APPROVING THE UPDATED COMPENSATION PLAN FOR
PART-TIME/TEMPORARY/SEASONAL POSITIONS EFFECTIVE MAY 3, 2024**

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

WHEREAS, the City of Riverbank maintains a separate Compensation Plan for Part-Time/Temporary/Seasonal Positions for hourly pay rate positions that are not part of the City of Riverbank Compensation Plan; and

WHEREAS, effective January 1, 2024, the minimum wage rate in California increased to \$16.00/hour for all employers with 26 employees or more. The majority of positions within the current Compensation Plan for Part-Time/Temporary/Seasonal Positions are designated to the Parks and Recreation Department, and due to the increase in minimum wage now either fall below or are at the threshold of \$16.00/hour; and

WHEREAS, the current Compensation Plan for Part-Time/Temporary/Seasonal Positions has been restructured and separated by department and each department assigned its own set of pay ranges for its relevant positions. This allows for updates to be proposed independently per department without increasing the wages of other positions with the same range; and

WHEREAS, it's been determined the following part-time positions are no longer needed and have been omitted from the updated Compensation Plan for Part-Time/Temporary/Seasonal Positions: Senior Recreation Leader, Assistant Pool Manager, and Site Monitor.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby adopts the City of Riverbank Compensation Plan with an effective date of May 3, 2024, to attract new part-time employees and be competitive in hourly pay as compared to neighboring agencies.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of April, 2024; 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: Proposed City of Riverbank Compensation Plan for
Part-Time/Temporary/Seasonal Positions**

**CITY OF RIVERBANK
COMPENSATION PLAN
Effective May 3, 2024**

PART-TIME/TEMPORARY/SEASONAL POSITIONS

TITLE	RANGE	HOURLY SALARY STEP				
		A	B	C	D	E
Parks & Recreation Part-Time Personnel						
Recreation Leader I	PT 1	16.00	16.80	17.64	18.52	19.45
Recreation Leader II	PT 2	16.48	17.30	18.17	19.08	20.03
Recreation Leader III	PT 4	17.48	18.36	19.28	20.24	21.25
Lifeguard/Instructor	PT 6	18.55	19.48	20.45	21.47	22.55
Head Lifeguard	PT 7	19.10	20.06	21.06	22.12	23.22
Pool Manager	PT 8	19.68	20.66	21.69	22.78	23.92
Program Specialist	PT 4	17.48	18.36	19.28	20.24	21.25
Facilities Maintenance Worker Aide	PT 3	16.97	17.82	18.71	19.65	20.63
Park Maintenance Worker Aide	PT 3	16.97	17.82	18.71	19.65	20.63
Administrative and Finance Part-Time Personnel						
Account Clerk	PT 26	21.49	22.57	23.70	24.88	26.12
Collections Clerk	PT 23	19.67	20.65	21.69	22.77	23.91
Administrative Intern	PT 21	18.54	19.47	20.44	21.46	22.54
Personnel Clerk	PT 23	19.67	20.65	21.69	22.77	23.91
Public Works Part-Time Personnel						
Maintenance Worker Aide	PT 41	18.54	19.47	20.44	21.46	22.54
Water Utility Worker Aide	PT 43	19.67	20.65	21.69	22.77	23.91
Water Conservation Coordinator	PT 45	20.87	21.91	23.01	24.16	25.36
Development Services Part-Time Personnel						
Development Services Clerk	PT 63	20.76	21.80	22.89	24.03	25.24
Building/Neighborhood Improvement Aide	PT 63	20.76	21.80	22.89	24.03	25.24
Neighborhood Improvement Officer - PT	PT 69	24.79	26.03	27.33	28.70	30.13

California Minimum Wage

January 1, 2024 - \$16.00

**CITY OF RIVERBANK
COMPENSATION PLAN
EFFECTIVE SEPTEMBER 28, 2021**

PART-TIME/TEMPORARY/SEASONAL POSITIONS

TITLE	RANGE	HOURLY SALARY STEP				
		A	B	C	D	E
Recreation Leader I	1	15.00	15.25	15.50	15.75	16.00
Recreation Leader II	5	16.00	16.25	16.50	16.75	17.00
Recreation Leader III	9	17.00	17.25	17.50	17.75	18.00
Sr. Recreation Leader	13	18.00	18.25	18.50	18.75	19.00

Lifeguard/Instructor	5	16.00	16.25	16.50	16.75	17.00
Head Lifeguard	9	17.00	17.25	17.50	17.75	18.00
Assistant Pool Manager	13	18.00	18.25	18.50	18.75	19.00
Pool Manager	17	19.00	19.25	19.50	19.75	20.00

Site Monitor	1	15.00	15.25	15.50	15.75	16.00
Program Specialist	9	17.00	17.25	17.50	17.75	18.00

Facilities Maintenance Worker Aide	5	16.00	16.25	16.50	16.75	17.00
Park Maintenance Worker Aide	5	16.00	16.25	16.50	16.75	17.00
Administrative Intern	9	17.00	17.25	17.50	17.75	18.00
Maintenance Worker Aide	13	18.00	18.25	18.50	18.75	19.00
Building/Neighborhood Improvement Aide	17	19.00	19.25	19.50	19.75	20.00
Collections Clerk	17	19.00	19.25	19.50	19.75	20.00
Development Services Clerk	17	19.00	19.25	19.50	19.75	20.00
Water Utility Worker Aide	17	19.00	19.25	19.50	19.75	20.00
Water Conservation Coordinator	17	19.00	19.25	19.50	19.75	20.00
Personnel Clerk/Part-Time	17	19.00	19.25	19.50	19.75	20.00
Neighborhood Improvement Officer - PT	23	22.75	23.88	25.08	26.33	27.65

California Minimum Wage

January 1, 2022 - \$15.00

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.6

SECTION 9: CONSENT CALENDAR

Meeting Date: April 23, 2024

**Subject: Resolution to Approve and Adopt 2024 City of Riverbank
Measure L Expenditure Plan Project List**

From: Marisela H. Garcia, City Manager

**Submitted By: Kathleen Cleek, Development Services Administration
Manager**

RECOMMENDATION

It is recommended that the City Council adopt the 2024 City of Riverbank Measure L Expenditure Plan Project List for local streets and roads, traffic management, and bike and pedestrian improvement projects.

SUMMARY

On November 8, 2016 the Stanislaus County voters approved a ½ cent sales tax measure to fund local and regional transportation projects and programs. The tax is expected to generate approximately \$39 million dollars a year over a 25-year period for Stanislaus County.

The City of Riverbank entered into a Master Funding Agreement with the Stanislaus Council of Governments (StanCOG) and within that agreement the City agrees to provide StanCOG with a detailed project list for local streets and roads, traffic management and bicycle/pedestrian projects that are scheduled to be constructed with Measure L Funding. The projects identified on the Expenditure Plan Project List detail a comprehensive list of infrastructure improvements that the City has identified as priority projects.

The last update to the list was approved by the City Council at the July 25, 2023 meeting. Staff added two additional projects to the 2024 Measure L Expenditure Plan to start the preliminary engineering process and construct the projects. The two projects added are:

1. Crossroads Elementary Crosswalks (PE & CON) – Raised Crosswalks at Prospector’s Pkwy @ Suttermill and Saxon Way @ Novi Drive
2. Palmer Avenue Sidewalks (PE & CON) – Sidewalk Improvements along the NW side of Palmer Avenue

FISCAL IMPACT THROUGH THE END OF 2024:

Measure L – Streets & Roads	\$1,614,000
Measure L – Traffic Management	977,217
Measure L – Bicycle/Pedestrian	223,750

ATTACHMENTS

1. Resolution 2024-
Exhibit A: 2024 City of Riverbank Expenditure Plan Project List

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING AND ADOPTING THE 2024 CITY OF RIVERBANK MEASURE L
EXPENDITURE PLAN PROJECT LIST**

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

WHEREAS, The Riverbank City Council has reviewed the 2024 City of Riverbank Measure L Expenditure Plan Project List presented by staff; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately \$1,200,000 for the City of Riverbank’s local streets and roads; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately \$192,000 for the City of Riverbank’s traffic management projects; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately \$90,000 for the City of Riverbank’s bicycle/pedestrian projects; and

WHEREAS, each project on the 2024 City of Riverbank Measure L Expenditure Plan Project List attached, will require City Council review and approval prior to construction; and

WHEREAS, each year a comprehensive review of the proposed Measure L Project List will be conducted and any changes presented to Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the City of Riverbank’s 2024 City of Riverbank Measure L Expenditure Plan Project List.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of April, 2024; 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 – 2024 City of Riverbank Measure L Expenditure Plan
Project List**

2024 City of Riverbank Measure L Expenditure Plan Project List - 4-23-2024

Type	Projects	Description	Shared Cost	Measure L Funds	Planned Start	Planned Completion
Local Streets and Roads (50%)						
Signal Project	Signal At Patterson & Roselle	Revised Plans Per BNSF	Design Costs	\$60,000	FY 2022	FY 2024
Signal Project	Signal at Patterson & Snedigar	Signal design	Full Design Cost	\$60,000	FY 2023	FY 2024
Overlay (PE & Construction)	Claribel Road Overlay	Claribel Road Overlay Roselle to Squire Wells	Full Design & Shared Construction Cost	\$500,000	FY 2023	FY 2024
Overlay (PE & Construction)	Oakdale Road Overlay	Oakdale Road Overlay - Patterson to Southgate	Full Design & Construction Cost	\$773,500	FY 2023	FY 2024
Overlay (PE)	Riverside Drive Overlay	Riverside Drive Overlay 3rd to 4th Street	Full Design Cost	\$35,000	FY 2023	FY 2024
Overlay & Widening (PE)	Howard Avenue Widening & Overlay	Howard Avenue Widening & Overlay - Patterson Road to Ward Ave. - PE	Full Design Cost	\$45,000	FY 2023	FY 2024
Overlay (PE)	Patterson Road Overlay - Claus to Snedigar	Patterson Road Overlay - Claus to Snedigar- PE	Full Design Cost	\$58,000	FY 2023	FY 2024
Intersection Improvements (PE)	Roselle @ Morrill Intersection Impr.	Roselle @ Morrill Intersection Impr. - PE	Full Design	\$82,500	FY 2023	FY 2024
Traffic Management (10%)						
Pedestrian & Road Improvements (Matching Funds)	Callander Avenue Pedestrian Project (Phase I)	Improvements - Calendar Avenue between Topeka & Santa Fe Streets	Matching Construction Cost	\$430,217	FY 2021	FY 2024
Crossroads Elementary Crosswalks (PE & Construction)	Raised Crosswalks	Prospector's Pkwy @ Suttermill and Saxon Way @ Novi Drive	Full Design & Construction Cost	\$162,000	FY 2024	FY 2024
Intersection Improvements - (PE & Construction)	Roselle & S. Rosebrook Intersection Improvements	Roselle & S. Rosebrook Intersection Improvements	Full Design & Construction Cost	\$385,000	FY 2023	FY 2024
Bike/Ped (5%)						
Pedestrian Sidewalk Project	Patterson Road Sidewalk Project	Patterson Road Sidewalks - Hwy 108 to Roselle Avenue - PE	Full Design Cost	\$42,500	FY 2022	FY 2024
Street Lighting	Squire Wells & Homewood	Squire Wells & Homewood Street Light	Complete Cost	\$15,000	FY 2023	FY 2024
Pedestrian Sidewalk Project	Roselle Avenue Sidewalk Project	Roselle Avenue Sidewalks - Westgate to south of S. Rosebrook over MID Canal	Full Design Cost	\$35,000	FY 2023	FY 2024
Palmer Avenue Sidewalks (PE & Construction)	Sidewalk Improvements	Palmer Avenue at Patterson Road	Full Design & Construction Cost	\$131,250	FY 2024	FY 2024

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.1

SECTION 10: PUBLIC HEARING

Meeting Date:	April 23, 2024
Subject:	Resolution Approving the Fiscal Year 2023-24 Mid-Year Budget Amendments for the Local Redevelopment Authority (LRA)
From:	Marisela H Garcia, City Manager
Submitted by:	Melissa Holdaway, Administrative Analyst II

RECOMMENDATION

It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) review and approve the Fiscal Year 2023-2024 LRA Mid-Year Budget Amendments.

SUMMARY

The LRA has reviewed the mid-year budget review of the Fiscal Year 2023-24 budget and is recommending the amendments based on revenue and expenditure changes.

BACKGROUND:

On June 27, 2023 the LRA Board approved the FY 2023-24 LRA Budget. This budget was prepared using estimates on anticipated revenue and expenditures for the year. The following are the recommended adjustments with a significant impact to the current budget.

Revenue

The remaining balance of the “Initial Consideration” in the Lease Development Agreement with Aemetis was absent from the FY 2023-24 Budget pending an internal audit of their account. Adjustments needed to be made for payments received due to erroneous remittance attached to checks. Aemetis had implemented new accounting software that was still in the development phase.

Account	Adjustment	Reasoning
Fund 197	\$175,000	Remaining balance of Aemetis Initial Consideration in the Lease Development Agreement not included in the FY 2023-24 Budget Approval

Expenditure

The LRA has received the tax bill for the Riverbank Industrial Complex the amount noted below is for this Fiscal Year.

Account	Adjustment	Reasoning
Fund 197	\$73,669	SCFPD Fire Assessment fees for the RIC FY 2024

FINANCIAL IMPACT

The adjustments proposed will reduce the structural deficit by \$101,331. No financial impacts to the City as funds come from the Master Developer Agreement and grants.

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA's FY 2023-24 budget supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

ATTACHMENT

1. LRA Resolution 2024-
Exhibit A: FY 2023-24 Mid-Year Budget Worksheet

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY

RESOLUTION 2024-

**A RESOLUTION OF THE LOCAL REDEVELOPMENT AUTHORITY BOARD OF THE
CITY OF RIVERBANK APPROVING THE MID-YEAR BUDGET FOR FISCAL YEAR
2023-24**

WHEREAS, the Riverbank Local Redevelopment Authority (“LRA”) acts in accordance with the Defense Base Closure and Realignment Act of 1990; and,

WHEREAS, the LRA is responsible for a lease to operate and manage the 175-acre premises and tenants, and,

WHEREAS, the LRA has executed an agreement with Aemetis as the Master Developer to manage leases with said tenants and incurred obligations to expend funds in maintaining and improving the site in accordance to the Army lease; and,

WHEREAS the LRA is projecting financing the authority in accordance with the current mid-year attached budget as amended.

NOW, THEREFORE, BE IT RESOLVED that the Local Redevelopment Authority Board of the City of Riverbank hereby authorizes the adjustments presented in Exhibit 1: FY 2023-24 Mid-Year Proposed Budget.

PASSED AND ADOPTED by the Local Redevelopment Authority Board of the City of Riverbank at a meeting held on the 23rd day of April, 2024; motioned by Authority Member _____, seconded by Authority Member _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
LRA Secretary

Richard D. O’Brien
Chair

Attachment: LRA Mid-Year Budget

FY 2023/24 MID YEAR Proposed Budget

	<u>FY 2023-24 Approved</u>	<u>MID-YEAR Proposed</u>
<u>Revenue</u>		
<i>OEA Grants</i>	252,281	252,281
<i>ESCA #2</i>	626,519	626,519
<i>MDA annual payment</i>	145,000	145,000
<i>Aemetis Initial Consideration</i>		175,000
Total Revenue	1,023,800	1,198,800
<u>Expenditures</u>		
<i>Salaries/Benefits</i>	217,111	217,111
<i>Administrative Expenses</i>		
<i>Travel</i>	0	0
<i>Equipment</i>	1,500	1,500
<i>Office Supplies/Legal Ads</i>	4,920	4,920
<i>Phones</i>	2,880	2,880
<i>Copier</i>	1,260	1,260
<i>Postage</i>	100	100
<i>Janitorial</i>	1,620	1,620
<i>Substation replacement project (phase 1 projected cost)</i>	425,000	425,000
<i>Fire Assessment taxes 2023-24</i>		73,669
<i>Professional Services</i>		
<i>Legal - General Municipal</i>	75,000	75,000
<i>Legal - Conveyance</i>	50,000	50,000
<i>Weston Contract ESCA #2</i>	293,491	293,491
<i>SJES Contract ESCA #2</i>	303,954	303,954
<i>ESCA Admin</i>	29,074	29,074
Total Expenditures	1,405,910	1,479,579
Net Revenues Less Expenditures**	-382,110	-280,779

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.2

SECTION 10: PUBLIC HEARING

Meeting Date: April 23, 2024

Subject: A Resolution to Adopt the Fee Schedule for Cheese & Wine Sponsorships, Programs, and Merchandise.

From: Marisela H. Garcia, City Manager

Submitted by: Michael Patton, Parks and Recreation Director

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution to approve the fee schedule for Cheese & Wine Sponsorships, Programs, and Merchandise as seen in Exhibit A.

SUMMARY

The Parks and Recreation Department is proposing an amendment of fees to include additional items for the Cheese and Wine Festival 2024. The purpose of the fees is to generate additional revenues to assist in offsetting the costs of hosting the festival. The fees to be included are sponsorship tiers, charges for programs, and charges for merchandise.

BACKGROUND

The City Council has asked the Parks and Recreation Department to oversee the coordination of the Cheese and Wine Festival in 2024. After reviewing the financials of the festival in 2023, the City has established the goal to have the event in 2024 be financially sustainable. To do so, the Parks and Recreation Department has created fees to sell vendor spaces which was approved by City Council on March 26, 2024.

Since the approval of vendor fees, the Parks and Recreation Department has developed a proposal for additional fees to create additional revenue. The proposed fees are for sponsorships, programs, and merchandise for the festival. For sponsorships, the department has created tiers for businesses to purchase. The following are the tiers:

- Champagne: \$5,000.00
- Malbec: \$2,500.00
- Pinot Noir: \$1,000.00
- Chardonnay: \$500.00
- Merlot: \$250.00
- Boxed Wine: \$100.00

With each tier of sponsorship, the department will promise certain levels of marketing, advertising, and SWAG for each contribution such as logo on banners, social media advertising, tickets to wine tasting, vendor booth spaces, etc.

For programs, the department has brainstormed different activities to enhance the overall quality of the event and to generate additional revenue. Examples of activities that have been discussed are wine tasting sessions, a sip and stroll, art and wine, etc. With many different ideas, the department is requesting a range of what the minimum and maximum of what the event can charge for its activities. The proposed range is \$0.00 to \$100.00. This will allow the department to create new interactive and innovative functions throughout the festival while placing an appropriate fee to participate.

For merchandise the event has sold items, like wine glasses and T-shirts, to commemorate that year's event. Items sold will vary in cost based on the cost of the item and the markup the City plans to place on each item. With each item varying in resale cost, the department is also requesting a range of a minimum and maximum that can be placed on merchandise. The proposed range is \$0.01 to \$100.00. This will allow the department to install a resale price on merchandise to assist with generating a profit and subsidize parts of the event that do not generate revenue.

FINANCIAL IMPACT

The financial impact will be made with the revenues received from the Cheese and Wine Festival 2024. The proposed fees for sponsorships, programs, and merchandise will be used to offset the expenses that come forth from the Cheese and Wine Festival. With the goal for the event to pay for its self, including additional revenue sources are vital.

STRATEGIC PLAN

This report has been prepared to accomplish the following Goal established at the 2022-2027 Strategic Planning Session: "Ensure Financial Stability" and "Maintain Quality of Life"

ATTACHMENTS

1. Resolution 2024-XXX
Exhibit A: Proposed Fee Schedule

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO ADOPT
THE FEE SCHEDULE FOR CHEESE & WINE SPONSORSHIPS, PROGRAMS, AND
MERCHANDISE**

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

WHEREAS, the City of Riverbank has conducted an analysis of its Parks and Recreation Programs, the costs of providing those Programs, the beneficiaries of those Programs and the revenues and expenses incurred for those programs; and

WHEREAS, the specific fees to be charged for programs is reviewed periodically and adopted by the City of Riverbank City Council; and

WHEREAS, any new program fees or fee increases proposed will be presented to the City Council for consideration as needed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves and establishes the fee schedule for Cheese & Wine Sponsorships, Programs, and Merchandise as outlined in Exhibit A to be effective April 23rd, 2024.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of April, 2024; 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 – Fee Schedule for Cheese & Wine Sponsorships, Programs, and Merchandise

Exhibit A

CITY OF RIVERBANK

Fee Schedule for Cheese & Wine Sponsorships, Programs, and Merchandise

<i>Special Events</i>	Current Fee	New Fee
Cheese and Wine Sponsorship: Champagne Tier	-	\$5,000.00
Cheese and Wine Sponsorship: Malbec Tier	-	\$2,500.00
Cheese and Wine Sponsorship: Pinot Noir Tier	-	\$1,000.00
Cheese and Wine Sponsorship: Chardonnay Tier	-	\$500.00
Cheese and Wine Sponsorship: Merlot Tier	-	\$250.00
Cheese and Wine Sponsorship: Boxed Wine Tier	-	\$100.00
Cheese and Wine Programs	-	Min.: \$0.00; Max.: \$100.00
Cheese and Wine Merchandise	-	Min: \$0.01; Max.: \$100.00

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.3

SECTION 10: PUBLIC HEARINGS

Meeting Date: April 23, 2024

Subject: Resolution Authorizing a 9.4% Inflationary Adjustment Increase to the City of Riverbank System Development Fees Based on the Construction Cost Index to be effective May 15, 2024.

From: Marisela H. Garcia, City Manager

Submitted by: Tammy Alcantor, Assistant City Manager/Administrative Services Director

RECOMMENDATION

It is recommended that the City Council continue this public hearing to the next regular City Council meeting on May 14, 2024, due to inaccuracies in the initially published fees. The corrected fees have been reissued, along with a notification for the public hearing scheduled for May 14, 2024. This item was published as a Public Hearing therefore Council should consider any public comments.

SUMMARY

Resolution 2015-021 adopted on March 24, 2015 authorizes the City to review the Construction Cost Index by City (as published monthly in the Engineering News Records), and may increase System Development Fees by the same percentage of increase in said index.

System Development Fees were last increased in 2023, we believe it is prudent to present a fee increase based on the aforementioned Index.

BACKGROUND

The purpose of a System Development Fee is to provide a rational and equitable basis for the expansion of capital facilities to accommodate the impacts created by new development. For many years, traditional sources of infrastructure funding have been inadequate to maintain the existing systems, leaving no revenue available to expand the system to meet growing needs. Development fees provide a mechanism where new development cumulatively mitigates their total impact on the city's systems on a proportionate basis to their individual impact by paying fees to expand the systems based on the relative size of the development.

In 2015 City staff, with the assistance of the AECOM consulting group, underwent a significant update to the previously adopted 2005 System Development Fees. This update resulted in a fee program that reflected community infrastructure needs for the planned growth delineated in the 2005-2025 General Plan.

Because the fees are established in order to address future infrastructure needs, staff wanted to ensure that the City Council would have the ability to apply a cost inflation factor in order to address future construction cost increases. Resolution 2015-021 allows the City to propose a fee increase based on the “Construction Cost Index by City” published monthly in the Engineering News Record (see Exhibit A). Based on the San Francisco and Los Angeles ENR Cost Index for 2023, staff is proposing a 9.4% increase in all System Development Fees.

The proposed fee levels are as follows:

**2024 PROPOSED FEE LEVELS
SYSTEM DEVELOPMENT FEES
TO BE EFFECTIVE MAY 15, 2024**

Land Use	Water	Sewer	Storm	Parks/Rec	Gen Gov/ Police	Traffic	5% Admin	Total
Residential	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU
Clustered Rural (RR)	\$18,927	\$7,050	\$10,711	\$4,830	\$1,749	\$4,983	\$2,412	\$50,662
Lower Density (LDR)	\$9,858	\$4,298	\$9,714	\$5,490	\$1,988	\$4,186	\$1,776	\$37,311
Medium Density (MDR)	\$9,463	\$3,591	\$3,921	\$4,705	\$1,702	\$3,688	\$1,353	\$28,424
Higher Density (HDR)	\$6,861	\$4,408	\$4,426	\$3,921	\$1,418	\$3,139	\$1,208	\$25,382
Mixed Use (Residential) (MU)	\$6,861	\$1,334	\$2,864	\$3,422	\$1,239	\$4,983	\$1,036	\$21,740

Non-Residential	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot
Community Commercial (CC)	2.90	2.32	5.97	N/A	0.52	7.81	0.98	\$20.49
Mixed Use (Commercial) (MU)	2.92	2.33	5.93	N/A	0.52	8.12	0.99	\$20.80
Industrial/Business Park (I/BP)	2.89	1.97	5.84	N/A	0.38	8.08	0.95	\$20.11
Office (MU LU Classification)	2.85	1.82	5.72	N/A	0.72	4.92	0.80	\$16.83

STRATEGIC PLAN

This is directly related to the City’s Strategic Plan Goals to Achieve and Maintain Financial Stability and Sustainability and Maintain and Improve the City’s Infrastructure and Service Delivery Systems.

FINANCIAL IMPACT

There is no negative financial impact associated with the application of the inflationary adjustment increase.

ATTACHMENT

1. Attachment A: ENR's Cost Indexes
2. Resolution 2024-XXX
Exhibit A: Proposed 2024 System Development Fees



(<http://www.ca.gov>)



✉ (mailto:
subject=DGS%20California%20Construction%20Cost%20Index%20CCCI&body=%0ahttps%3A%2F%2Fwww.dgs.ca.gov%2FRESERVED%2FResources%2FPage-Content%2FReal-Estate-Services-Division-Resources-List-Folder%2FDGS-California-Construction-Cost-Index-CCCI%3Fsearch%3Dcalifornia%2520construction%2520cost%2520index%0a%0a)

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DGS California Construction Cost Index CCCI

Client agencies can find current construction cost index for California by the Real Estate Services Division.

The California Construction Cost Index (CCCI) is developed based upon Building Cost Index (BCI) cost indices average for San Francisco and Los Angeles ONLY as produced by Engineering News Record (ENR) and reported in the second issue each month.

The current five year CCCI table is updated the 2nd half of the month for the current month. The ENR BCI reports cost trends for specific construction trade labor and materials in the California market and does not reflect current market bidding environment. Prior to July 1991, CCCI was recorded quarterly, all months post July 1991 are calculated based on the ENR BCI reports and recorded for each month.

California Construction Cost Index 2021-2025

Month	2025	2024	2023	2022	2021
January		9680	9246	8151	7090
February		9692	9166	8293	7102
March		9660	9118	8736	7130
April			9026	8903	7150
May			9621	9001	7712
June			9508	8925	7746
July			9526	9110	7892
August			9560	8729	8122
September			9592	8604	7900
October			9654	8712	8080
November			9682	8765	8141
December			9654	8823	8072

Month	2025	2024	2023	2022	2021
Annual % *			9.4%	9.3%	13.4%

*Annual Percentage is calculated from December to December.

HISTORIC CALIFORNIA CONSTRUCTION COST INDEX

[Expand All](#)

CALIFORNIA CONSTRUCTION COST INDEX 2016-2020

CALIFORNIA CONSTRUCTION COST INDEX 2011-2015

CALIFORNIA CONSTRUCTION COST INDEX 2006-2010

CALIFORNIA CONSTRUCTION COST INDEX 2001-2005

CALIFORNIA CONSTRUCTION COST INDEX 1996-2000

QUESTIONS AND RESOURCES

Have questions about the CCCI, please contact us.

CONTACT

Project Management & Development Branch

Department of General Services

Real Estate Service Division

707 Third St, 4th Floor

West Sacramento, California 95605

Phone: (916) 376-1700

Email: DGSRESGeneralInquiries@dgs.ca.gov (<mailto:DGSRESGeneralInquiries@dgs.ca.gov>).

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CITY OF RIVERBANK

RESOLUTION 2024 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING A 9.4% INFLATIONARY ADJUSTMENT INCREASE
TO THE CITY OF RIVERBANK SYSTEM DEVELOPMENT FEES BASED ON THE
CONSTRUCTION COST INDEX TO BE EFFECTIVE MAY 15, 2024.**

WHEREAS, the City Council of the City of Riverbank adopted Resolution 2015-021 on March 24, 2015 which established revised System Development Fees; and

WHEREAS, Section 5 of Resolution 2015-021 authorizes the City to review and recommend an increase to the System Development Fees based on the Construction Cost Index by City (as published monthly in the Engineering News Records) as of January 1 of each year; and

WHEREAS, in order to ensure that the fee program accurately reflects the rising costs of construction it is prudent to recommend an increase to the 2023 System Development Fees; and

WHEREAS, the January 2024 Construction Cost Index by City for San Francisco and Los Angeles was determined to be 9.4%; and

WHEREAS, a 9.4% cost inflation factor has been used in order to determine the proposed 2024 System Development Fees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank authorizes a 9.4% Inflationary Adjustment Increase to the 2023 System Development Fees as presented in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 14th day of May, 2024; 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: 2024 System Development Fees

EXHIBIT A

2024 PROPOSED FEE LEVELS SYSTEM DEVELOPMENT FEES EFFECTIVE MAY 15, 2024

Land Use	Water	Sewer	Storm	Parks/Rec	Gen Gov/ Police	Traffic	5% Admin	Total
Residential	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU	Per DU
Clustered Rural (RR)	\$18,927	\$7,050	\$10,711	\$4,830	\$1,749	\$4,983	\$2,412	\$50,662
Lower Density (LDR)	\$9,858	\$4,298	\$9,714	\$5,490	\$1,988	\$4,186	\$1,776	\$37,311
Medium Density (MDR)	\$9,463	\$3,591	\$3,921	\$4,705	\$1,702	\$3,688	\$1,353	\$28,424
Higher Density (HDR)	\$6,861	\$4,408	\$4,426	\$3,921	\$1,418	\$3,139	\$1,208	\$25,382
Mixed Use (Residential) (MU)	\$6,861	\$1,334	\$2,864	\$3,422	\$1,239	\$4,983	\$1,036	\$21,740
Non-Residential	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot	Per Square Foot
Community Commercial (CC)	2.90	2.32	5.97	N/A	0.52	7.81	0.98	\$20.49
Mixed Use (Commercial) (MU)	2.92	2.33	5.93	N/A	0.52	8.12	0.99	\$20.80
Industrial/Business Park (I/BP)	2.89	1.97	5.84	N/A	0.38	8.08	0.95	\$20.11
Office (MU LU Classification)	2.85	1.82	5.72	N/A	0.72	4.92	0.80	\$16.83

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date: April 23, 2024

Subject: A Resolution Approving the Stanislaus Urban County and Stanislaus Home Consortium Fiscal Year 2024-2025 Annual Action Plan (AAP) and Authorize the City Manager to Execute the CDBG and Home Consortium Agreement for Fiscal Year 2024-2025.

From: Marisela H. Garcia, City Manager

Submitted by: Lety Ibanez, Housing Specialist

RECOMMENDATION

It is recommended that the City Council open the Community Meeting, accept Public Comment, and consider adopting a Resolution approving Stanislaus Urban County and Home Consortium Fiscal Year 2024/2025 Annual Action Plan (AAP) and Authorize the City Manager to Execute the CDBG and HOME Consortium Agreement for Fiscal Year 2024-2025.

SUMMARY

Stanislaus County, in partnership with all member cities, form the *Stanislaus Urban County* for purposes of receiving U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG) and Emergency Solutions Grants (ESG) Program funding. On July 1, 2023 Stanislaus County, also become the lead entity for the Stanislaus HOME Consortium, which includes all the Stanislaus Urban County member cities and the City of Turlock. All the proposed HOME activities for the Stanislaus HOME Consortium will be incorporated into the FY 2024-2025 AAP.

The AAP outlines the programs and projects to be funded during FY 2024-2025 with the following HUD Entitlement funding: CDBG, HOME, and ESG funds to assist low-income households and persons in the areas of housing, public infrastructure, public services and homeless assistance and prevention throughout the Stanislaus Urban County.

The draft AAP was made available for public review on the Stanislaus County website <https://www.stancounty.com/planning/cdbg/> starting on March 29, 2024 through April 30, 2024.

During Fiscal Year 2024-2025, Stanislaus Urban County expects to receive an estimated \$2,335,030 in Community Development Block Grant (CDBG) program funding and an estimated \$208,317.00 in Emergency Solutions Grants (ESG) funding. These amounts are estimated and will be adjusted later once HUD has released final allocations. The CDBG funds and the ESG funds are to be used on the following activities within census tracts that reflect a 51% or greater low/moderate income level.

- Infrastructure Improvements
- Economic Development Programs
- Affordable Housing
- Fair Housing Services
- Public Services
- Homeless Shelter Services
- Homeless Prevention
- Homeless Services Data Collection

City of Riverbank is estimated to receive \$145,064 in CDBG funding which includes \$140,064 for project activities and \$5,000 for administration costs. As previously approved by the City Council the 2024/2025 CDBG Funds are allocated towards the Water and Sewer Line Replacement. The project specifically targets the alley on Riverside Dr. and High St., spanning from 3017 High St. to Fourth St. These projects were previously approved at the February 27th City Council meeting.

Stanislaus Urban County also expects to receive an estimated \$1,708,364 during Fiscal Year 2024-2025 in HOME Consortium funding in which Riverbank is estimated to receive \$134,005 of that funding. These amounts are estimated and will be adjusted later once HUD has released final allocations. HOME funds will be utilized to enhance the availability of affordable housing and improve the supply of affordable housing by supporting the development of new affordable housing projects and the rehabilitation of existing housing. Local funds must provide a 25% match for the funding.

The eligibility criteria for HOME assistance depend on the type of funded activity, with rental housing and rental assistance requiring at least 90% of benefiting families to have incomes no higher than 60% of the HUD-adjusted median household income. In rental projects with five or more assisted units, at least 20% must be occupied by families with incomes not exceeding 50% of the HUD-adjusted median. Households receiving HUD assistance must not exceed 80% of the area median income.

About 15% of the Stanislaus HOME Consortium's HOME entitlement allocation is reserved for eligible Community Housing Development Organizations (CHDOs) to develop affordable housing for income-qualified families. The remaining funds are distributed among Consortium members based on a formula considering potential contributions to the HOME program. Funds will be allocated annually to member jurisdictions, programmed by Stanislaus County based on project prioritization and equity goals throughout the Consortium's lifespan.

Member jurisdictions propose projects using their HOME allocation, with funds required to be committed within six months of each fiscal year. Uncommitted funds are used by Stanislaus County for eligible housing programs and projects, developed

through Requests for Proposals (RFPs) for housing services and affordable housing projects. Projects are prioritized based on community need, feasibility, implementation timeframe, and geographical distribution, with all member jurisdictions participating in review and prioritization.

The City of Riverbank held a “Public Hearing” during its City Council Meeting on February 27, 2024, concerning the City of Riverbanks’s Annual Action Plan(APP), with no public feedback received. Tonight, April 23, 2024, is another “Public Hearing,” inviting community input on the Stanislaus County Annual Action Plan. Any comments from the public tonight will be passed on to the County Board of Supervisors for consideration in the final FY 2024-205 Annual Action Plan, which the County will submit to HUD.

STRATEGIC PLAN

This report is in conformance with the City of Riverbank’s Strategic Plan goal to “Maintain a High Quality of Life”.

FINANCIAL IMPACT

These funds are derived from the Community Development Block Grant (CDBG) Program and Emergency Shelter Grant (ESG) and the HOME Consortium funding. Therefore, there is no impact on the City’s General Fund.

ATTACHMENT

1. Resolution 2024-
2. Estimated 2024-2025 CDBG and ESG Allocations
3. Estimated 2024-2025 HOME Allocations

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION BY THE CITY OF RIVERBANK CITY COUNCIL
APPROVING THE STANISLAUS URBAN COUNTY AND STANISLAUS HOME
CONSORTIUM FISCAL YEAR 2024-2025 ANNUAL ACTION PLAN (AAP) AND
AUTHORIZE THE CITY MANAGER TO EXECUTE THE CDBG AND HOME
CONSORTIUM AGREEMENT FOR FISCAL YEAR 2024-2025**

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

WHEREAS, the Stanislaus Urban County which includes the cities of Ceres, Hughson, Newman, Oakdale, Riverbank, Patterson and Waterford and unincorporated areas of the County has been granted an estimated total allocation based on Fiscal Year 2023-2024 funding of \$2,543,347 in Community Development Block Grant (CDBG) program funds; and

WHEREAS, the City of Riverbank chooses to participate in the entitlement process thereby receiving a portion of the CDBG entitlement in partnership with the County and participating jurisdictions; and

WHEREAS, the City of Riverbank’s estimated allocation of CDBG funds is \$145,065 (\$140,065 is for CDBG project activities and \$5,000 to administer) for the 2024-2025 fiscal year; and

WHEREAS, the City of Riverbank chooses to participate in the Stanislaus HOME Consortium and participate in the Consortium selection process for HOME funds as detailed in the 3-year cooperation agreement; and

WHEREAS, the City of Riverbank estimated allocation of HOME funds is \$134,005 for 2024-2025 Fiscal Year; and

WHEREAS, on April 23, 2024 the Riverbank City Council approved the 2024-2025 Fiscal Year Annual Action Plan (AAP) with activities eligible under HUD guidelines; and

WHEREAS, the total CDBG funding allocation may be decreased or increased proportionally based on final HUD allocations yet to be released as of the date of this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY APPROVE the Stanislaus Urban County and Stanislaus HOME Consortium Fiscal Year 2024-2025 Annual Action Plan (AAP) and authorizes the City Manager to execute the CDBG and HOME Consortium Agreement for FY 2024-2025.

PASSED AND ADOPTED by the City Council of the City of Riverbank at the regular meeting held on the 23rd day of April 2024; 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

**STANISLAUS URBAN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
EMERGENCY SOLUTIONS GRANTS (ESG)
FISCAL YEAR 2024-2025 ANNUAL ACTION PLAN**

Estimated FY 2024-2025 CDBG Allocation: \$2,335,030
Estimated FY 2024-2025 ESG Allocation: \$ 208,317
TOTAL: \$2,543,347

The table below shows the estimated CDBG and ESG grant allocation breakdown among Urban County members and special programs based on FY 2023-2024 awarded funding.

ESTIMATED CDBG AND ESG ALLOCATIONS

URBAN COUNTY MEMBER	ACTIVITIES	ADMINISTRATION	TOTAL
City of Ceres	\$213,623	\$5,000	\$218,623
City of Hughson	\$158,003	\$5,000	\$163,003
City of Newman	\$144,702	\$5,000	\$149,702
City of Oakdale	\$163,815	\$5,000	\$168,815
City of Patterson	\$176,638	\$5,000	\$181,638
City of Riverbank	\$140,064	\$5,000	\$145,064
City of Waterford	\$217,545	\$5,000	\$222,545
Stanislaus County	\$328,634	\$407,006	\$735,640
Public Services @14%	\$325,000		\$325,000
Fair Housing		\$25,000	\$25,000
CDBG Total	\$1,862,691	\$472,339	\$2,335,030
ESG Total	\$192,694	\$15,623	\$208,317
TOTAL ALLOCATION	\$2,055,385	\$487,962	\$2,543,347

All allocations will be proportionally increased or decreased from the estimated funding levels to match final allocation amounts.

**STANISLAUS HOME CONSORTIUM
HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)
FISCAL YEAR 2024-2025 ANNUAL ACTION PLAN**

Estimated FY 2024-2025 HOME Allocation: \$1,708,364

The table below shows the HOME grant allocation breakdown among Stanislaus HOME Consortium members based on the FY 2023-2024 awarded funding.

ESTIMATED HOME ALLOCATIONS*

HOME CONSORTIUM MEMBER	ALLOCATION
City of Ceres	\$143,893
City of Hughson	\$127,110
City of Newman	\$135,827
City of Oakdale	\$139,079
City of Patterson	\$133,355
City of Riverbank	\$134,005
City of Turlock	\$156,123
City of Waterford	\$127,500
Stanislaus County	\$184,381
Community Housing Development Organization (CHDO) Set-aside @ 15%	\$256,255
HOME Total	\$1,537,528
County Administration Total	\$170,836
TOTAL ALLOCATION	\$1,708,364

*Please Note- All allocations will be proportionally increased or decreased from the estimated funding levels to match final allocation amounts. These funds shall be allocated to individual Consortium members and will be required to be committed to an approved project within six (6) months from July 1 of each year unless such deadline is extended by the County. An approved project shall be a project included within a HUD certified Annual Action Plan and approved by the County. If there are no approved projects within 6 months, the funding will be made available to the Consortium members for projects through a Request for Proposal (RFP) selection process by the County.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date: April 23, 2024

Subject: A Resolution to Approve an Employment Agreement Between the City of Riverbank and Joshua Mann as Director of Community Development and Authorize the City Manager to Execute the Agreement

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Joshua Mann as the new Director of Community Development.

SUMMARY

After a successful recruitment process by Mosaic Public Partners for a Director of Community Development, Mr. Joshua Mann was offered, and has accepted, the position. Mr. Mann's background in Planning will be instrumental in allowing the City to move forward with several key projects. Pending Council approval of the contract, Mr. Mann's appointment will begin with the City on May 6, 2024.

BACKGROUND

After 8 years of service the Planning & Building Manager for the City, Donna Kenney retired thus leaving a vacant position. With the significant amount of development occurring in the City and with Council's desire to expand the previous position to include Economic Development, staff decided that it would be in the City's best interest to recruit for a Director of Community Development to oversee all of the existing divisions (Planning, Building, Code Enforcement) while planning to add an additional Economic Development Division. In order to assist with the recruitment and selection of Mrs. Kenney's successor, the City enlisted the services of Mosaic Public Partners. Mosaic was responsible for publicizing the recruitment, reaching out to potential candidates, screening applicants, and assisting with interviews and the subsequent background check of the selected applicant.

On March 22, 2024 the city held first round interviews with the qualified candidates for the position. The independent panel provided feedback on the top candidates and a second-round interview was held. Based on his qualifications, Mr. Joshua Mann was selected as the City's next Director of Community Development. Mr. Mann currently serves as the Director of Land Planning for MVE, Inc. in Modesto and holds a Bachelor of Arts in Rural and Town Planning from California State University, Chico. His career as a Planner has been in Stanislaus County. Mr. Mann and his family are from the Central Valley.

Over the course of the past two weeks, city staff has been negotiating a contract with Mr. Mann and a conditional agreement has been reached.

TERMS

Mr. Mann's proposed contract contains the following terms:

1. **Effective Date:** May 6, 2024.
2. **Term:** Three (3) years from the Effective Date.
3. **Base Salary:** \$157,188.84 or Step C of the new Director of Community Development Salary Range 253:

Range 253	A	B	C	D	E
Hourly	\$68.55	\$71.97	\$75.57	\$79.35	\$83.32
Bi-Weekly	\$5,483.65	\$5,757.83	\$6,045.72	\$6,348.01	\$6,665.41
Monthly	\$11,881.24	\$12,475.30	\$13,099.07	\$13,754.02	\$14,441.72
Annual	\$142,574.88	\$149,703.60	\$157,188.84	\$165,048.24	\$173,300.64

4. **Review and Evaluation:** To be conducted in May of each year. Will be eligible for a 5% Merit Increase for a Satisfactory review.
5. **Healthcare Benefits:** Employee to pay 15% of premium costs for medical insurance. If employee has medical insurance coverage via his spouse, employee may waive benefits, with proof of coverage, and be eligible for a taxable cash amount of \$250/month. City to pay full premium for vision and dental insurance.
6. **Life Insurance:** \$50,000
7. **Deferred Compensation:** City to match employee's contribution up to \$100 per pay period.
8. **Union Pension:** City to contribute towards the Union Pension Retirement Fund at the rate currently established for the City.

- 9. Retirement:** City to pay employer costs of participation in CalPERS Retirement System. Employee to be enrolled in the 2% @ 62 PEPRA Plan. Employee to contribute 7.75% employee contribution.
- 10. Vacation:** Employee shall be entitled to 20 days of vacation and may not accumulate more than 400 hours of leave.
- 11. Sick Leave:** Employee shall earn sick leave at the rate of 1 working day for each month of service.
- 12. Holidays:** Employee shall be entitled to observe, with pay, 13 observed holidays, and 3 floating holidays.
- 13. Executive Leave:** Employee shall receive 80 hours of executive leave at the beginning of each fiscal year which may be cashed out if not used. Any unused leave expires on June 30 of each fiscal year.
- 14. Cell Phone Stipend:** \$65/month for use of personal phone or option of city-issued cell phone
- 15. Professional and Educational Development:** City will budget for reasonable costs of travel and business expenses for professional development and pay employee's annual membership dues to professional organizations.
- 16. Longevity:** Upon eligibility based on employee's tenure with the city, employee will become eligible for longevity pay.

STRATEGIC PLAN

This item, while not directly related to the City Council's Strategic Plan Goals, does allow for the City to continue working towards achieving said goals.

FINANCIAL IMPACT

Salary and benefit costs for the Building & Planning Manager were budgeted during the preparation of the Fiscal Year 2023-24 Budget. As the position has been vacant for several months, salary and benefit savings will compensate for the additional costs associated with the Director position. Mr. Mann will start at Step C of the new Director of Community Development Salary Range #253.

ATTACHMENTS

1. Resolution 2024-
2. Employment Agreement - DRAFT

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO APPROVE AN EMPLOYMENT AGREEMENT BETWEEN THE
CITY OF RIVERBANK AND JOSHUA MANN AS DIRECTOR OF COMMUNITY
DEVELOPMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE
AGREEMENT**

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

WHEREAS, on December 15, 2023 the Planning and Building Manager officially retired from the City after 8 years of service to the community thus leaving a vacant position; and

WHEREAS, the City Manager and City Council discussed an expansion of the role of the previous Building and Planning Manager and in the best interest of the City decided to transition that role to that of Director of Community Development; and

WHEREAS, in order to ensure the continued oversight and operations of the Planning, Building, and Code Enforcement Divisions the City proceeded with a contract for recruitment services with Mosaic Public Partners; and

WHEREAS, as a result of the successful recruitment process the City underwent interviews for said position; and

WHEREAS, based on his previous experience as Director of Land Planning, an offer for the position was made to Mr. Joshua Mann; and

WHEREAS, Mr. Mann has accepted the position and wishes to enter into an Employment Agreement, herein incorporated as Exhibit A, with the City of Riverbank; and

WHEREAS, effective May 6, 2024 Mr. Mann will assume the position of Director of Community Development, and

WHEREAS, the salary range for the Director of Community Development is set as follows and is hereby incorporated into the City’s Compensation Plan:

Range 253	A	B	C	D	E
Hourly	\$68.55	\$71.97	\$75.57	\$79.35	\$83.32
Bi-Weekly	\$5,483.65	\$5,757.83	\$6,045.72	\$6,348.01	\$6,665.41
Monthly	\$11,881.24	\$12,475.30	\$13,099.07	\$13,754.02	\$14,441.72
Annual	\$142,574.88	\$149,703.60	\$157,188.84	\$165,048.24	\$173,300.64

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve the Employment Agreement between the City of Riverbank and Mr. Joshua Mann as Director of Community Development.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Riverbank does hereby authorize the City Manager to execute said Agreement.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of April, 2024; 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: Employment Agreement

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into this ____ day of April, 2024, by and between the City of Riverbank, a California municipal corporation ("City"), and Joshua Mann, an individual ("Employee"). The City and Employee may individually be referred to herein as "Party" or collectively as "Parties." There are no other parties to this Agreement.

RECITALS

- A. The City Manager is authorized to appoint City staff pursuant to the City Code of Riverbank ("City Code") section 31.03(H)(12).
- B. The City desires to employ the services of Employee on the terms and conditions set forth herein as Director of Community Development.
- C. The Director of Community Development is the head of the Community Development Department and provides responsible and complex staff support to the City Council, City Manager, and Assistant City Manager, and performs other related duties as assigned.
- D. The Parties agree that this Agreement shall be the sole agreement between the Parties regarding the employment of Employee as Director of Community Development.
- E. The Parties desire to execute this Agreement pursuant to the authority of and subject to the provisions of California Government Code ("Government Code") sections 36505 and 53260 *et seq.*

NOW, THEREFORE, in consideration of the mutual covenants entered into between the Parties and in consideration of the benefits that accrue to each, it is agreed as follows:

AGREEMENT

Section 1. Recitals. The recitals set forth above ("Recitals") are incorporated herein by this reference and made a part of this Agreement. In the event of any inconsistencies between the Recitals and Sections 1 through 10 of this Agreement, Sections 1 through 10 will prevail.

Section 2. Effective Date. This Agreement shall become effective on May 6, 2024, which is Employee's first day of employment with the City ("Effective Date").

Section 3. Appointment of Director of Community Development, Duties, and Term.

Section 3.1. Appointment of Director of Community Development and Duties. Employee shall serve as the Director of Community Development of the City, and shall be vested with the powers, duties, and responsibilities set forth in City Code, California law, ordinances, and resolutions, and such other duties and functions as the City Manager may from time-to-time assign.

No modification or change in Employee's responsibilities, duties or position shall otherwise change or revoke any other provision of this Agreement.

Section 3.2. No Secondary Employment. Employee further agrees that Employee shall devote Employee's productive time, abilities, and attention as necessary to the full accomplishment of his duties and the City's business needs. Accordingly, Employee shall not hold secondary employment or engage in activities which conflict with, or present the appearance or possibility of conflicting with, City's legitimate business interests. As such, Employee agrees that Employee will notify the City Manager in writing if Employee wishes to accept secondary employment sufficiently in advance to allow the City Manager to determine whether there is the appearance of, or an actual conflict or potential conflict with the satisfactory performance of Employee's duties and/or the best interest of the City. Should the City Manager make such a determination, Employee agrees that Employee will forgo the proposed secondary employment. Notwithstanding the foregoing, Employee has the right to volunteer for such nonprofit organizations as he may see fit and further provided that such volunteer services shall not interfere with his duties as Director of Community Development.

Section 3.3. Exempt Employee. The general business hours for City employees are Monday through Friday, 7:30 A.M. to 5:30 P.M. However, it is recognized by the Parties that Employee is an exempt employee for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 *et seq.*). As such, Employee acknowledges and agrees that he shall not receive overtime or extra compensation for hours worked outside of the City's general business hours, which are necessary to fulfill the duties of the Director of Community Development position, unless otherwise provided in this Agreement.

Section 3.4. Schedule. The Director of Community Development's daily and weekly work schedule shall vary in accordance with the work required to be performed. The Director of Community Development position may include frequent attendance at evening meetings and frequent irregular hours as necessary to meet deadlines and achieve objectives. The City Council and the City Manager recognize that the Director of Community Development must devote a great deal of his time outside normal office hours to business of the City and, to that end, will be allowed to take Executive Leave, as defined in Section 5.11 of this Agreement, as he shall deem appropriate during said normal office hours.

Section 3.5. Term. The term of this Agreement ("Term") shall commence on the Effective Date and shall expire on May 5, 2027. No later than three (3) months prior to the expiration of the Term, the City Manager will provide written notice to Employee as to whether the City Manager intends to extend the Term. Termination of this Agreement prior to the expiration of the Term shall be in accordance with Section 6 below.

Section 4. At-Will Employment. Employee is an at-will employee serving at the pleasure of the City Council and City Manager, as provided in Government Code section 36506 and City Code section 31.01. Accordingly, the City Manager may terminate Employee's employment at any time, with or without cause. Only if Employee is terminated by the City without Good Cause, as defined in Section 6.4 of this Agreement, shall Employee be entitled to a Severance, as defined in Section 6.3 of this Agreement.

Unless otherwise specified in this Agreement, Employee shall be bound by all the policies, rules, and regulations of City now in force and effect applicable to Employee's position, and by all such other applicable policies, rules, and regulations as may be hereafter implemented and called to Employee's notice and will faithfully observe and abide by the same, provided they are not in conflict with the provisions of this Agreement. No such policy, rule, or regulation shall alter, modify, or revoke Employee's status as an at-will employee or any other provision of this Agreement.

Section 5. Compensation and Evaluations.

Section 5.1. Base Salary. City agrees to pay Employee an annual salary of One Hundred Fifty-Seven Thousand One Hundred Eighty-Eight Dollars and Eighty-Four Cents (\$157,188.84) ("Base Salary"), which is Step C of Employee's established Salary Range, Range 253. Employee's Base Salary will be payable in installments at the same time as other City employees are paid. If Employee receives a satisfactory performance evaluation as described in Section 5.3, Employee may receive a merit increase up to five percent (5%) annually at the City Manager's discretion.

Section 5.2. Pro-rata Decrease. Employee acknowledges that the Base Salary may be subject to a pro-rata decrease based on the City Council's adoption of an unpaid Mandatory Furlough Program adopted as a budgetary measure.

Section 5.3. Review and Evaluation. The City Manager agrees to review and evaluate Employee's performance of his duties as Director of Community Development, pursuant to the terms of this Agreement ("Review and Evaluation"), on not less than an annual basis and to provide Employee with a written performance review. The annual Review and Evaluation shall be conducted in May of each year, or at the City Manager's discretion.

Section 5.4. Healthcare Benefits. City provides medical benefits to its employees. Effective May 2024, Employee shall contribute fifteen percent (15%) of the total cost of medical premium benefits for Employee and any covered dependents and the City will contribute the remainder. The City will pay the full premium for Employee and family dental and vision coverage during the Term of this Agreement. If Employee has medical insurance coverage through their spouse or has medical insurance coverage as an eligible dependent of a person employed elsewhere, employee may waive the medical insurance coverage from the City and Employee shall be eligible to receive taxable cash in the amount of Two Hundred Fifty Dollars (\$250.00) per month. Employee must sign a waiver, provided by the City, and provide proof of other medical insurance coverage on an annual basis to the Human Resources Department. Once coverage is waived, Employee may only re-enroll in the City medical insurance plan during open enrollment or as allowed by law.

Section 5.5. Life Insurance. City will provide Employee with life insurance in the amount of Fifty Thousand Dollars (\$50,000).

Section 5.6. Deferred Compensation. City shall establish and maintain a deferred compensation plan and match Employee's contribution to the deferred compensation plan in an amount not to exceed One Hundred Dollars (\$100.00) each pay period. City will also contribute to the LiUNA National Industrial Union Pension Retirement Fund at the rate of one hundred seventy-three (173) hours worked multiplied by the negotiated rate for any given year each month (e.g., $173 \times 2.26 = \$390.98$). Employee shall receive any adjustment to this program granted to all other Department Heads.

Section 5.7. Retirement. City shall pay the employer cost of participation in the California Public Employees Retirement System ("CalPERS"). Employee will be enrolled in the CalPERS 2% @ 62 PEPPRA plan. Employee shall pay the seven and three quarters percent (7.75%) employee contribution as amended by CalPERS from time to time.

Section 5.8. Vacation. Employee shall be entitled to twenty (20) days of vacation annually (or one hundred sixty (160) hours). Employee may not accumulate more than four hundred hours (400) of vacation leave. Employee shall earn vacation at the same time as other City employees.

Section 5.9. Sick Leave. Employee shall earn sick leave at the rate of one (1) working day for each month of service.

Section 5.10. Holidays. Employee shall be entitled to observe, with pay, the thirteen (13) observed holidays and three (3) floating holidays as outlined in the City's Personnel Rules.

Section 5.11. Executive Leave. It is recognized that Employee must devote a great deal of time outside the normal office hours to City business. To that end, Employee shall receive eighty (80) hours of executive leave ("Executive Leave") at the beginning of each fiscal year, which may be cashed out if not used. Any unused Executive Leave expires on June 30 of each fiscal year.

Section 5.12. City Vehicle. Employee may have the use of a City vehicle for travel on all City-related business.

Section 5.13. Cell Phone Allowance. Pursuant to the City's Mobile Device Policy, Employee shall be eligible to receive a Sixty-Five Dollar (\$65.00) per month cell phone allowance for the use of their personal cell phone or may use a City-issued cell phone.

Section 5.14. Professional and Educational Development. City agrees to budget for reasonable costs of travel and business expenses for Employee to attend professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for the City, including, but not limited to, annual conferences of the League of California Cities, American Planning Association conferences and trainings, and such other regional and local government groups and committees thereof on which Employee serves as a member, provided such travel and business expenses are included within the annual budget. City agrees to pay Employee's annual membership dues to professional organizations that benefit the Employee and the City as designated and approved in the final budget.

Section 5.15. Longevity Benefits. Upon eligibility based on Employee's years of continuous service with the City, Employee will receive a longevity benefit of two and a half percent (2.5%) of Base Salary after ten (10) years of service, which will increase to five percent (5%) of Base Salary after thirteen (13) years of service, which will increase to seven and one-half percent (7.5%) of Base Salary after twenty (20) years of service, and will increase to ten percent (10%) of Base Salary after twenty-five (25) years of service, paid bi-weekly with Base Salary.

Section 6. Termination of Employment and Severance.

Section 6.1. Voluntary Resignation. Employee may resign at any time and agrees to give the City at least thirty (30) days advance written notice of the effective date of Employee's resignation, unless the Parties otherwise agree in writing. If Employee retires from full time public service with the City, Employee shall provide three (3) months advance written notice. Employee's actual retirement date will be mutually established between the Parties. During the notice period, all rights and obligations of the Parties under this Agreement shall remain in full force and effect. Promptly after the effective date of resignation, the City shall pay to Employee all salary and benefit amounts, both accrued and owing, under this Agreement. However, in the event of voluntary resignation, Employee shall not be entitled to Severance, as set forth in Section 6.3 of this Agreement.

Section 6.2. Termination by City Manager. The City Manager may terminate this Agreement and remove Employee from his position as Director of Community Development at any time, with or without cause, subject to ratification by the City Council. If Employee's termination is based on charges of misconduct that publicly stigmatizes Employee's reputation or impairs his ability to earn a living, or might damage his standing in a community, Employee may, within five (5) business days of the City Manager's notice to Employee of his or her intent to terminate Employee's employment, make a written request for a "name-clearing" hearing (as described in *Lubey v. City and County of San Francisco* (1979) 98 Cal.App.3d 340 and its progeny) before the City Council. The "name-clearing" hearing is solely to provide Employee the opportunity to clear his name. The hearing shall take place at a regularly scheduled City Council meeting or closed session in accordance with the City's Municipal Code, Personnel Rules, or standard practice, if applicable, and any applicable provisions of state law. The City Council may determine whether the allegations contained in the notice of termination are supported. If the City Council determines that the allegations are not supported, a decision shall be issued to reflect that Employee's termination was without fault. This decision will not, however, require that Employee be reinstated. In the event Employee does not request a "name-clearing" hearing before the City Council, the City Manager's decision to terminate will be effective by the close of business on the fifth (5th) day after the City Manager provided notice to Employee of his or her intent to terminate Employee's employment.

Section 6.3. Termination Without Good Cause. In the event the City terminates this Agreement without Good Cause, as defined in Section 6.4 below, the City shall pay Employee a sum equal to four (4) months Base Salary ("Severance"). This Severance is subject to the restrictions of Government Code section 53260, including, without limitation, the maximum amount of Severance pay that Employee may receive shall be the lesser of (a) four (4) months base

salary, or (b) if the unexpired term of the contract is greater than eighteen (18) months, the maximum cash settlement shall be an amount equal to the monthly salary of the Employee multiplied by eighteen (18). Any cash settlement related to the termination of this Agreement received by Employee from the City shall be fully reimbursed to the City if Employee is convicted of a crime involving an abuse of his office or position while employed with the City, pursuant to Government Code section 53243.2. In the event the City terminates this Agreement, Employee shall be entitled to continued medical and dental benefits at his cost pursuant to the provisions of the federal Consolidated Omnibus Budget Reconciliation Act (“COBRA”).

Section 6.4. Termination For Good Cause. The City may at any time immediately terminate this Agreement and Employee’s employment for Good Cause, as defined in this Section 6.4. If Employee is terminated for Good Cause, the City shall not be required to pay any Severance under this Agreement, and the City shall have no obligation to Employee beyond those wages and benefits accrued as of Employee’s last day of employment and those the City is obligated to provide under federal or state law.

“Good Cause,” for purposes of this Agreement, means a fair and honest cause or reason for termination. These reasons include, but are not limited to:

1. Conviction of a felony;
2. Disclosing confidential information of City;
3. Gross carelessness or misconduct;
4. Unjustifiable and willful neglect of the duties described in this Agreement;
5. Mismanagement;
6. Continued failure to perform Employee’s duties to the standard set by the City;
7. Any conduct which violates the City’s Personnel Rules and for which a City employee may be terminated;
8. Repeated and protracted unexcused absences from the Director of Community Development’s office and duties as defined under this Agreement;
9. Willful destruction or misuse of City property;
10. Conduct that in any way has a direct, substantial, and adverse effect on the City’s reputation;
11. Willful violation of federal, state, or City discrimination laws;
12. Continued substance abuse which adversely affects performance of Employee’s duties as the Director of Community Development;
13. Refusal to take or subscribe any oath or affirmation which is required by law;
14. Disability that renders Employee unable to perform the essential functions of his job, which City is unable to reasonably accommodate without placing an undue burden on City;
15. Dishonesty; and

City of Riverbank
Director of Community Development
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Riverbank, CA 95367

and

White Brenner, LLP
Attn: Thomas P. Hallinan
1414 K Street, 3rd Floor
Sacramento, CA 95814

If to Employee:

City of Riverbank
Attn: Joshua Mann
6707 Third Street
Riverbank, CA 95367
w/cc: home address on file

Section 10. General Provisions.

10.1. Modification of Agreement. This Agreement may be supplemented, amended, or modified only by a writing signed by the City and Employee.

10.2. Entire Agreement. This Agreement constitutes the final, complete, and exclusive statement of the terms of the agreement between the Parties and supersedes all other prior or contemporaneous oral or written understandings and agreements of the Parties. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement.

10.3. Severability of Agreement. If a court or an arbitrator of competent jurisdiction holds any section of this Agreement to be illegal, unenforceable, or invalid for any reason, the validity and enforceability of the remaining sections of this Agreement shall not be affected.

10.4. Authority. All Parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement and the names, titles, and capacities herein stated on behalf of any entities, persons, states, or firms represented or purported to be represented by such entities, persons, states, or firms and that all former requirements necessary or required by state or federal law in order to enter into this Agreement had been fully complied with. Further, by entering into this Agreement, neither Party hereto shall have breached the terms or conditions of any other contract or agreement to which such Party is obligated, which such breach would have a material effect hereon.

10.5. Headings. The headings in this Agreement are included for convenience only and neither affect the construction or interpretation of any section in this Agreement nor affect any of the rights or obligations of the Parties to this Agreement.

10.6. Necessary Acts and Further Assurances. The Parties shall, at their own cost and expense, execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

10.7. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California.

10.8. Waiver. No covenant, term, or condition, or the breach thereof, shall be deemed waived, except by written consent of the Party against whom the waiver is claimed and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition.

10.9. Counterparts. This Agreement may be executed in counterparts, and all so executed shall constitute an agreement which shall be binding upon the Parties hereto, notwithstanding that the signatures of all Parties and Parties' designated representatives do not appear on the same page.

10.10. Venue. Venue for all legal proceedings shall be in the Superior Court in and for the County of Stanislaus in the State of California.

10.11. Attorney's Fees and Costs. If any action at law or in equity, including action for declaratory relief, is brought to enforce or interpret sections of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such Party may be entitled.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Agreement has been entered into by and between EMPLOYEE and CITY as of the date of the Agreement set forth above.

CITY:

City of Riverbank, a municipal corporation
of the State of California

EMPLOYEE:

Joshua Mann, an individual

By: _____
Marisela H. Garcia, City Manager

By: _____
Joshua Mann

Date Signed: _____

Date Signed: _____

By: _____
Gabriela Hernandez, City Clerk

Date Signed: _____

Approved as to Form and Content:

By: _____
Thomas P. Hallinan, City Attorney