

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

TUESDAY, SEPTEMBER 10, 2024 – 6:00 P.M.

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

THIS MEETING WILL BE HELD VIA TELECONFERENCE

****** AB 2449 ******

(IN PERSON AND REMOTE ATTENDANCE)

***** CONSISTENT WITH THE PROVISIONS OF AB 2449, MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE REMOTELY DUE TO JUST CAUSE. *****

1. CALL TO ORDER
2. FLAG SALUTE
3. INVOCATION
4. ROLL CALL
5. AGENDA CHANGES

6. CONFLICT OF INTEREST

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

7. PRESENTATIONS (Informational only)

Item 7.1 **Proclamation for Hispanic Heritage Month September 15th to October 15th, 2024 and Honoring Mr. Jose Enrique Morales for His Contributions to the Riverbank Community-** It is recommended that the City Council present the Proclamation in honor of Hispanic Heritage Month from September 15th to October 15th, 2023, to longtime Riverbank resident Mr. Jose Morales, member of Central Valley Community Resources, Inc. a local Riverbank non-profit.

Item 7.2 **Presentation- Cheese and Wine Festival Update-** It is recommended that the City Council receive a presentation from Michael Patton, City of Riverbank Parks and Recreation Director, regarding an update of the Cheese and Wine Festival 2024.

Item 7.3 **Presentation- Water Restriction Updates-** It is recommended that the City Council receive a presentation from Cody Bridgewater, City of Riverbank Director of Public Works, regarding an update of the water use restrictions and "Making Conservation a California Way of Life."

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 August 27, 2024.

Item 9.3 **Acceptance** of the Riverbank Police Gate & Fence Project and Authorization to File a Notice of Completion.

Item 9.4 **Acceptance** of the Patterson Road Sidewalk Project between Roselle and Hwy 108 and Authorization to File a Notice of Completion.

Item 9.5 **Resolution** Accepting the Public Improvements for DMG Development, LP for Crossroads West Unit 2.

Item 9.6 **Resolution** Approving the Purchase of a BMW Motorcycle for Riverbank Police Services and Authorizing the Surplus and Sale of 2018 BMW Motorcycle #18-03 to the Sheriff's Office.

Item 9.7 **Resolution** Approving the Addition of the Capital Project/Regulatory Compliance Manager Position and Salary Range to the City's Compensation Plan and Removing the Development Services Administration Manager Position.

Item 9.8 **Resolution** Authorizing the Purchase of One (1) Acre of Land Located on APN 074-014-016 for the Construction of Well #13 for \$410,000 and Allocating Funds from the Water System Development Fee (Fund 206) for said Purchase.

Item 9.9 **Second Reading** by Title Only and Introduction of a Proposed Amendment to Title XI, Business Regulations, Amending Chapter 119 Massage/Bodywork Establishments.

10. PUBLIC HEARING-No Items Scheduled.

11. NEW BUSINESS

Item 11.1 **Resolution Approving an Agreement with Epic I/O for the Addition of Three (3) Camera Site Locations within the City of Riverbank Security Camera and LPR (License Plate Reader) System and Authorize the Relocation of an Existing Camera Site-** It is recommended that the City Council consider approving a resolution authorizing the City Manager to execute an Agreement with Epic I/O, formerly known as IntelliSite LLC, to add three (3) additional locations within the City, relocate an existing camera site, and to authorize Modesto Executive Electric to add power to two proposed locations.

Item 11.2 **Resolution of Concurrence and Support of the Consolidated Annual Performance and Evaluation Report (CAPER) For Fiscal Year 2023-2024 Prepared for The Stanislaus Urban County and Stanislaus Home Consortium.** - It is recommended that the City Council hold a Community Meeting to gather input on the Fiscal Year 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) prepared for The Stanislaus Urban County and Stanislaus Home Consortium

Item 11.3 **Acceptance of Certificate of Initiative Petition Entitled “Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits,” and Submitting the Initiative to the Voters at a Future Regular Election-** Staff is recommending adoption of the following two (2) resolutions: 1.) Adopt a Resolution of the City Council of the City of Riverbank accepting the certificate of initiative petition from the Stanislaus County Registrar of Voters entitled "Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits." 2.) Adopt a Resolution of the City Council of the City of Riverbank submitting the initiation petition entitled "Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits" to the voters at the City's next regular election in accordance with Elections Code section 1405.

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 REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code § 54956.8)

Property: 6436 Oakdale Road, Riverbank (APN 075-026-040)

Agency Negotiator: City Manager Marisela H. Garcia

Property Negotiator: High, Price & Leffler Associates

Under Negotiation: Price, terms of payment, or both.

14. REPORT FROM CLOSED SESSION

Item 14.1 Report from Closed Session Item 13.1

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code § 54956.8)

Property: 6436 Oakdale Road, Riverbank (APN 075-026-040)

Agency Negotiator: City Manager Marisela H. Garcia

Property Negotiator: High, Price & Leffler Associates

Under Negotiation: Price, terms of payment, or both.

15. ADJOURNMENT

The Next Regular City Council Meeting will be on: **Tuesday, September 24th, 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 9th Day of September, 2024

/s/ *Gabriela Hernandez, CMC, 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/88278740838>

Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 882 7874 0838**

Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 882 7874 0838**

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

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATIONS

Meeting Date: September 10, 2024

Subject: Proclamation for Hispanic Heritage Month September 15th to October 15th, 2024 and Honoring Mr. Jose Enrique Morales for His Contributions to the Riverbank Community

From: Marisela H. Garcia, City Manager

Submitted by: Jessica Barragan, Administrative Assistant - Confidential

RECOMMENDATION

It is recommended that the City Council present the Proclamation in honor of Hispanic Heritage Month from September 15th to October 15th, 2023, to longtime Riverbank resident Mr. Jose Morales, member of Central Valley Community Resources, Inc. a local Riverbank non-profit.

SUMMARY

The month of September 15th to October 15th is recognized Nationally as Hispanic Heritage Month. The City of Riverbank is celebrating by distinguishing the rich history and contributions made by the Hispanic and Latino individuals.

Today, over 60 million people, or 18.5 percent of the American population, are of Hispanic or Latino origin. We celebrate Hispanic Heritage Month to recognize the achievements and contributions of Hispanic American champions who have inspired others to achieve success and expressing our appreciation of our Hispanic community.

Today we honor Mr. Jose Enrique Morales who is Puerto Rican from Guayanilla, Puerto Rico. He came to the mainland of the United States as a teenager and settled in California. He resided in Bakersfield with family and friends for several years. He moved to Hayward and then to the Modesto area, settling in Riverbank in 2004. For over 50 years he worked in the auto body technician field. You wreck your car; Jose will fix it just like brand new. He is a small business owner of J & A Autobody and has a passion for restoring older cars. Jose loves giving back to his community. He volunteers for Central Valley Community Resources by being the chef for Crab Feeds, Senior Citizen Brunch, the Veterans Luncheon, and various fundraisers. He is Vice President of P.R.O.U.D. the Puerto Rican Organization United for Development. Jose is proud to share his Hispanic Puerto Rican culture. He does a lot of this by the way he cooks his delicious food. Jose

is a steadfast 49's fan and has 6 children, 13 grandchildren, and 6 great-grandchildren and soon to be 8. That is a big family party when we all get together. Jose is a quiet man always willing to give a helping hand by serving his community.

BACKGROUND

According to the Library of Congress, the observance began in 1968 as Hispanic Heritage week under President Lyndon B. Johnson. In 1988, President Ronald Reagan expanded it to a month-long observance by celebrating histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America. September 15 is significant because it is the anniversary for Latin American Countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. Mexico and Chile celebrate independence days on September 16 and September 18.

FINANCIAL IMPACT

None

ATTACHMENT

1. Proclamation



CITY OF RIVERBANK PROCLAMATION

HISPANIC HERITAGE MONTH SEPTEMBER 15TH - OCTOBER 15TH

WHEREAS, The City of Riverbank is committed to continuing to build a welcoming and neighborly community, embracing diversity and fostering equity for every resident; and

WHEREAS, Latinos and Hispanics have enriched the Riverbank Community and play a vital role in Riverbank's economy and workforce with cultural, educational, and political influences, and

WHEREAS, residents of Latino and Hispanic origin make up fifty-seven (57%) percent of the city's population, making it the largest race or ethnic minoritized group in the City, and

WHEREAS, Latino and Hispanic Heritage Month is an opportunity to celebrate the vibrant traditions of people whose ancestry can be traced to Mexico, Central America, Caribbean Islands, South America, and Spain; and

WHEREAS, the Hispanic community has had a profound influence on our City through their strong commitment to family, faith, hard work, and service; and

WHEREAS, Mr. Jose Enrique Morales, Puerto Rican from Guayanilla, Puerto Rico, came to the mainland as a teenager and settled in Riverbank in 2004. Jose has served the Riverbank community for over 20 years as a volunteer for Central Valley Community Resources, Inc. as the head chef for their crab feeds, senior citizen brunches, veteran's luncheons, and several other fundraisers. He is the vice president of the Puerto Rican Organization United for Development and is proud to share his Puerto Rican culture through the delicious food he cooks for his friends and family.

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Riverbank hereby proclaims September 15th to October 15th as Hispanic Heritage Month and invite all to celebrate the contributions that have been made to our City and our community by Hispanic Americans.

September 10, 2024

Richard D. O'Brien, Mayor

Riverbank City Council:

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

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.2

SECTION 7: PRESENTATIONS

Meeting Date:	September 10, 2024
Subject:	Presentation- Cheese and Wine Festival Update
From:	Marisela H. Garcia, City Manager
Submitted by:	Michael Patton, Parks and Recreation Director

RECOMMENDATION

It is recommended that the City Council receive a presentation from Michael Patton, City of Riverbank Parks and Recreation Director, regarding an update of the Cheese and Wine Festival 2024.

SUMMARY

The City of Riverbank Parks and Recreation Department is providing an update on the planning and development of the Cheese and Wine Festival 2024. With the Cheese and Wine Festival being one month away, the Parks and Recreation Department will provide updates on the following topics: Event Location, Event Activities, Marketing Strategy, and Budget.

STRATEGIC PLAN

The item directly addresses a goal in the city-adopted Parks and Recreation Master Plan to “Celebrate a season, bring the community together, provide spaces to promote local businesses/ vendors, elevate the work that non-profits are doing, and bring people to downtown Riverbank.” The goals and intentions of the Parks and Recreation Department for the Cheese and Wine Event mirror the objectives and themes deemed important by the City Council.

FINANCIAL IMPACT

There is no financial impact with the report.

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RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.3

SECTION 7: PRESENTATIONS

Meeting Date:	September 10, 2024
Subject:	Presentation - Water Restriction Updates
From:	Marisela H. Garcia, City Manager
Submitted by:	Cody Bridgewater, Director of Public Works

RECOMMENDATION

It is recommended that the City Council receive a presentation from Cody Bridgewater, City of Riverbank Director of Public Works, regarding an update of the water use restrictions and “Making Conservation a California Way of Life.”

SUMMARY

The City of Riverbank Director of Public Works is providing an update on California’s new program called “Making Conservation a California Way of Life.” City Staff will discuss this program and its terms associated, in preparation for new water restrictions in the State of California.

FINANCIAL IMPACT

There is no financial impact with the report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	September 10, 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:	September 10, 2024
Subject:	Approval of the City Council and Local Redevelopment Authority Board Minutes for August 27, 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 August 27, 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. August 27, 2024 City Council and Local Redevelopment Authority Board Minutes.
2. Handout from Councilmember District 2 Luis Uribe

CITY COUNCIL / LRA BOARD

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



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**
Council Chambers, 6707 Third St
Suite B
Riverbank, CA 95367



TUESDAY, AUGUST 27, 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 6:00 P.M.
- 2. FLAG SALUTE** – Mayor/Chair O'Brien led the pledge of allegiance.
- 3. INVOCATION** – Reverend Charlie E. Neal provided the invocation.
- 4. ROLL CALL** – Asst. City Manager Alcantor 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 and Presentation on Overdose Awareness Day-** It is recommended that the City Council present a proclamation to Jennifer Marsh and Sofia Vivo and receive a presentation on Overdose Awareness Day from Sofia Vivo.

Mayor O'Brien read and presented the proclamation for Overdose Awareness Day to Jennifer Marsh and Sofia Vivo.

City Council received a presentation on Overdose Awareness from Jennifer Marsh and Sofia Vivo.

Item 7.2 **Presentation – Riverbank Regional Recycled Water Project Status Update – 30% Design Progress-** It is recommended that the City Council receive a presentation from Neal Colwell, Principal Engineer for Kjeldsen, Sinnock, and Neudeck Inc. (KSN) regarding the Riverbank Regional Recycled Water Project and the status of the 30% design.

Neal Colwell, Principal Engineer with KSN gave status update presentation on the 30% Design Progress of the Riverbank Regional Recycled Water Project.

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 6:54 P.M.

Olivia Arambula, Riverbank Chamber of Commerce to provide an update of upcoming events.

Jami Aggers, Modesto resident to express her concerns regarding the lack of public meetings and advertising for the housing element process.

There being no further public comments, Mayor O'Brien closed the Public Comment period 6:59 P.M.

9. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

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

Item 9.2 **Approval** of the City Council and Local Redevelopment Authority Board Minutes for July 23, 2024.

Item 9.3 **Acceptance** of the 7th Street Outfall Project and Authorization to File a Notice of Completion.

Item 9.4 **Acceptance** of the Claribel Road Overlay Project and Authorization to File a Notice of Completion.

- Item 9.5** **Resolution 2024-074** to Award a Contract for Investment Advisory Services and Authorize the City Manager to Enter into a Consultant Services Agreement with Meeder Public Funds, Inc.
- Item 9.6** **Resolution 2024-075** to Award a Contract to 110%, Inc. to Perform the Financial Sustainability Study for the City of Riverbank Parks and Recreation Department.
- Item 9.7** **Resolution 2024-076** to Approve the Use of the Community Center Pavilion for St. Frances of Rome Catholic Church to Provide Food on Sundays to Those Experiencing Homelessness.
- Item 9.8** **Second Reading by Title Only** and Introduction of **Proposed Ordinance 2024-003** Amending Sections 120.60 and 120.62 and Adding Section 120.63 to Chapter 120, Cannabis Regulations of Title XI, Business Regulations, of the Riverbank Code of Ordinances Related to the Appeal of Administrative Penalties for Cannabis Regulations

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

The Public Notice for item 10.1 was published on August 14th, 2024 in the Riverbank Newspaper.

- Item 10.1** **First Reading by Title Only and Introduction of a Proposed Amendment to Title XI, Business Regulations, Amending Chapter 119 Massage/Bodywork Establishments-** It is recommended that the City Council conduct the public hearing for the first reading of the proposed amendments to consider its approval; if approved, the second reading of the amendments by title only will be scheduled for the next regular City Council meeting on September 10, 2024, for consideration of its adoption

David Niskanen with JB Anderson, gave a comprehensive staff report and power point presentation on the First Reading by Title Only and Introduction of a Proposed Amendment to Title XI, Business Regulations, Amending Chapter 119 Massage/Bodywork Establishments.

City Council discussed the item with staff.

Mayor O'Brien Opened the Public Hearing at 7:10 P.M.

Mayor O'Brien Closed the Public Hearing at 7:10 P.M.

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

ACTION: *By motion moved and seconded (Jones-Cruz / Barber-Martinez 5/0) to **approve the First Reading** by Title and Introduction of Proposed Amendment to Title XI, Business Regulations, Amending Chapter 119 Massage/Bodywork Establishments.*

*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*

11. NEW BUSINESS

Item 11.1 **A Resolution of the City Council of the City of Riverbank, California, to Approve the First Amendment to the Subdivision Improvement Agreement for Countryside III with McRoy-Wilbur Communities and Authorizing the City Manager to Execute the Agreement-** It is recommended that the City Council consider the attached resolution approving the First Amendment to the Subdivision Improvement Agreement with McRoy Wilbur Communities for Countryside III and directing the City Manager to execute the agreement.

Director of Community Development, Josh Mann gave a comprehensive staff report and PowerPoint Presentation for City Council to consider approving the First Amendment to the Subdivision Improvement Agreement for Countryside III with McRoy-Wilbur Communities and authorizing the City Manager to execute the agreement.

City Council Discussed item with City Staff

Ian Wilbur, Developer spoke to confirm the amendment included changing from a sub-surface mount transformer to a pad mount as it is a requirement of PG&E.

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

ACTION: *By motion moved and seconded (Jones-Cruz / Uribe 5/0) to approve to approve **Resolution 2024-077** approving the First Amendment to the Subdivision Improvement Agreement for Countryside III with McRoy-Wilbur Communities.*

*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*

Item 11.2 **Resolution Amending the Permanent Local Housing Allocation (PLHA) Formula Allocation Plan-** It is recommended that the City Council consider adopting a Resolution to amend the Permanent Local Housing Allocation (PLHA) Formula Allocation Plan originally approved in July 2020.

City Manager Garcia gave a comprehensive report and PowerPoint presentation for City Council to consider adopting a resolution to amend the Permanent Local housing Allocation Plan (PHLA) Formula Allocation Plan.

City Council Discussed item with City Staff.

Olivia Arambula, Timeless Real Estate made suggestions of potentially the City investing in fixer up homes to allow low income to get into a home.

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

ACTION: *By motion moved and seconded (Uribe / Hernandez 5/0) to approve **Resolution 2024-078** Amending the Permanent Local Housing Allocation (PHLA) formula Allocation Plan.*

*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*

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:

- *City offices are closed on Monday, September 2nd, for the Labor Day holiday.*
- *As mentioned earlier and shared by Olivia, we are working on an interested party group to hold a workshop on the housing element for developers, real estate agents, etc. to be able to continue our efforts, with regards to the housing element in the draft document that will be presented to the City Council. We hope that will come forward within the next month or so for review.*

Item 12.2 Council/Authority Member

Councilmember Hernandez reported on the following:

- *No comments.*

Councilmember Uribe reported on the following:

- So tonight, I'd like to make a request for an item to be placed on the strategic plan. I've given a copy to the Council, and the Mayor (as attached). I also have copies if anybody from the public would like to see it. For us to consider becoming a Charter City. I would like the Council and the Mayor to give feedback to staff, if that's something that would be of interest. This information that I've been gathering I'd like to have a full discussion on strategic planning in 2025. Whether or not we should become a Charter City. A little bit of background we are a General Law City. There's 121 Charter Cities. The California Constitution empowers us as cities under article 11, section 5, which gives the option to adopt a Charter based on the principle that a City rather than the State is in the best position to know what it needs. According to the League California Cities, and I'll quote them "the benefit of becoming a Charter City is that they have supreme authority over municipal affairs". What does that mean? We have supreme authority over regulation of our police. So, our contract with the sheriff's department will not be affected, should continue, as is. How we conduct city elections? We will have that flexibility for special elections. The manner in which municipal officers are elected, we would have that option. Supreme authority over local taxes, not saying we're raising them, but we would have that option. Subgovernment keeps in place our subcommittees, right? So, like our Parks and Rec committee, all of that stays in place. Sister City committee, all of that stays in place. Preserves prevailing wages, but then it also gives us opportunities to save money on projects that where we could add that, you know, added infrastructures to certain projects, whether it's 10% or not. So, some of the main advantages that I can see. So, the city no longer has to rely on the State legislators to side solve these local issues. We'll have the ability to adopt a level of government that we, you know, we see fit. and we're all pushing for local control. Local control is vital. This plan it would cost monies, and it would go out to the voter, and my goal would be to get this to the voters by 2026. But of course, love to have this discussion and place this on strategic plans, so we can have a full discussion of it. Thank you.

Councilmember Barber-Martinez reported on the following:

- I wanted to give an update about the Stanislaus Homeless Alliance, also known as SHA. Our unhoused neighbors that need housing, and they are in the Care Court. They are a Care Court client will have housing, which is expected to be completed by 12/24. The housing project will be located at 9th and E street, there will be 42 units, and it's called the Bridge Project.
- ECM or Enhanced Care Management is a different approach to care for the whole person. It will address the medical, housing and family support. The medical services are being provided for anyone who has Medi-Cal, it is Health Plan of San Joaquin, there's two more. Kaiser just actually joined also. I can't remember what the other medical plan was. But anyway, so this is supposed to be a good thing, because you're looking at addressing the whole person instead of just having their services split up and then eventually getting services.

- *There's an update for our point in time count, that we had. So far there were 28 individuals who were included that were sheltered and unsheltered. There was no designation as to which one was which, and I asked for some kind of detail, more of a detailed point, so we know how to address and to help our folks that live here in Riverbank.*
- *In our Restart Program, which is at the Sierra House. Currently right now, we have 6 who have started the program, and they are doing well. They are getting ready to get into a program that is being offered by the Volt. So, they will graduate, being Maintenance Mechanics, and they'll be on their way to be more successful.*
- *I went to the Riverbank night at the Modesto Nuts. I had a great time, and I understand that they're in negotiation talks, so maybe they will be able to stay in town. But anyway, it was a lot of fun. So hopefully, maybe we can do that again next year and have a Riverbank night. But it was great. Thank you.*

Vice Mayor Jones Cruz reported on the following:

- *No comments.*

Item 12.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *I was a little surprised. I thought we had a housing element update in March in February of this year. That is not only that, but we had public comments on that. But I must be mistaken. Can I be enlightened about that? Because we've had it at the at the City Council meeting, Public Hearing? And then we're having another one before it comes back to us. That housing element is not being shied away from, but we'll be tackling it head on so I'd be surprised if we did not have it in February and March. My memory is fading, but not that fast.*
- *I want to commend the staff. Excellent work on the wastewater treatment plant. I know there's a long way to go, and as long as we keep getting the funding that we can get and the grant funding that's available. This project will be completely doable with minimal cost to the rate payer which is our goal. And I want to thank you Neal, and your staff on the job well done.*
- *And on this the housing, I think we should go visit HCD. I did talk to Senator Gil, and she's all on board. So, we need to arrange and move forward on that.*

13. CLOSED SESSION

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

Item 13.1 **LIABILITY CLAIMS**

(Pursuant to Government Code §54961)

Claimants: Jose Luis Loaiza Michel

Agency Claimed Against: City of Riverbank

Item 13.2

LIABILITY CLAIMS

(Pursuant to Government Code §54961)

Claimants: Abel Castano

Agency Claimed Against: City of Riverbank

Item 13.3

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 074-014-016

Agency negotiator: Marisela H. Garcia, City Manager

Negotiating parties: Randy High

Under negotiation: Price, terms of payment, or both

Item 13.4

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Government Code §54956.9(d)(4))

Initiation of Litigation: 1 potential case

There being no public comment, Mayor O'Brien moved to Closed Session at 7:41 P.M.

Reconvened from Closed Session at 8:01 P.M.

14. REPORT FOR CLOSED SESSION

Item 14.1

Report from Closed Session **Item 13.1**

LIABILITY CLAIMS

(Pursuant to Government Code §54961)

Claimants: Jose Luis Loaiza Michel

Agency Claimed Against: City of Riverbank

ACTION:

Claim has been denied by unanimous vote.

Item 14.2

Report from Closed Session **Item 13.2**

LIABILITY CLAIMS

(Pursuant to Government Code §54961)

Claimants: Abel Castano

Agency Claimed Against: City of Riverbank

ACTION:

Claim has been denied by unanimous vote.

Item 14.3

Report from Closed Session **Item 13.3**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 074-014-016

Agency negotiator: Marisela H. Garcia, City Manager

Negotiating parties: Randy High

Under negotiation: Price, terms of payment, or both

ACTION:

Direction has been provided to staff.

Item 14.4 Report from Closed Session **Item 13.4**
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Pursuant to Government Code §54956.9(d)(4))
Initiation of Litigation: 1 potential case

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 8:02 P.M. to the next regular scheduled City Council / LRA Meeting of September 10, 2024 at 6:00P.M.

ATTEST: (Adopted 09/10/2024)

APPROVED:

Gabriela Hernandez, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/ Chair

Charter Cities: A Quick Summary for the Press and Researchers

The following summary was drafted by the League of California Cities' legal staff, in an attempt to give the press and research communities a primer on some frequently asked questions regarding charter cities.

Charter Cities vs. General Law Cities – The Basics

The California Constitution gives cities the power to become charter cities.¹ The benefit of becoming a charter city is that charter cities have supreme authority over “municipal affairs.”² In other words, a charter city’s law concerning a municipal affair will trump a state law governing the same topic.³

Cities that have not adopted a charter are general law cities. General law cities are bound by the state’s general law, even with respect to municipal affairs. Of California’s 478 cities, 108 of them are charter cities.

The charter city provision of the State Constitution, commonly referred to as the “home-rule” provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs.⁴ The home-rule provision allows charter cities to conduct their own business and control their own affairs.⁵ A charter maximizes local control.

A city charter, in effect a city’s constitution, need not set out every municipal affair the city would like to govern. So long as the charter contains a declaration that the city intends to avail itself of the full power provided by the California Constitution, any city ordinance that regulates a municipal affair will govern over a general law of the state.⁶

Defining ‘Municipal Affairs’

Determining what is and is not a “municipal affair” is not always straightforward. The California Constitution does not define “municipal affair.” It does, however, set out a nonexclusive list of four “core” categories that are, by definition, municipal affairs.⁷

These categories are 1) regulation of the “city police force”; 2) “subgovernment in all or part of a city”; 3) “conduct of city elections”; and 4) “the manner in which . . . municipal officers [are] elected.”⁸ Beyond this list, it is up to the courts to determine what is and is not a municipal affair.

To determine if a matter is a municipal affair, a court will ask whether there are good reasons, grounded on statewide interests, for the state law to preempt a local law.⁹ In other words, courts

¹ Cal. Const. art. XI, § 3(a).

² Cal. Const. art. XI, § 5(a).

³ *Johnson v. Bradley*, 4 Cal. 4th 389, 399 (1992).

⁴ *Fragley v. Phelan*, 126 Cal. 383, 387 (1899).

⁵ *Id.*

⁶ There are some exceptions to this rule. For example, a charter city is bound by the Public Contract Code unless the city’s charter expressly exempts the city from the Code’s provisions or a city ordinance conflicts with a provision in the Code. See Cal. Pub. Cont. Code § 1100.7.

⁷ Cal. Const. art. XI, § 5(b); *Johnson*, 4 Cal. 4th at 398.

⁸ Cal. Const. art. XI, § 5(b).

⁹ *Johnson*, 4 Cal. 4th at 405.

will ask whether there is a need for “paramount state control” in the particular area of law.¹⁰ The Legislature’s intent when enacting a specific law is not determinative.¹¹

The concept of “municipal affairs” is fluid and may change over time.¹² Issues that are municipal affairs today could become areas of statewide concern in the future.¹³ Nonetheless, there are some areas that courts have consistently classified as municipal affairs. These include:

- Municipal election matters¹⁴
- Land use and zoning decisions (with some exceptions)¹⁵
- How a city spends its tax dollars¹⁶
- Municipal contracts, provided the charter or a city ordinance exempts the city from the Public Contract Code, and the subject matter of the bid constitutes a municipal affair.¹⁷ Thus, a charter may exempt a city from the State’s competitive bidding statutes.

Likewise, there are some areas that courts have consistently classified as areas of statewide concern, including:

- Traffic and vehicle regulation¹⁸
- Tort claims against a governmental entity¹⁹
- Regulation of school systems²⁰

How to Become a Charter City

To become a charter city, a city must adopt a charter. There are two ways to adopt a charter:

- The city’s voters elect a charter commission.²¹ The commission has the responsibility of drafting and debating the charter.
- The governing board of the city, on its own motion, drafts the charter.²²

In either case, the charter is not adopted by the city until it is ratified by a majority vote of the city’s voters.²³

For more information about charter cities, please visit the “Charter Cities” section of the League’s Web site at <http://www.cacities.org/chartercities>.

¹⁰ *Id.* at 400.

¹¹ *Id.* at 405.

¹² *Cal. Fed. Savings & Loan Ass’n v. City of Los Angeles*, 54 Cal. 3d 1, 16 (1991); *Isaac v. City of Los Angeles*, 66 Cal. App. 4th 586, 599 (1998).

¹³ *Isaac*, 66 Cal. App. 4th at 599.

¹⁴ *Mackey v. Thiel*, 262 Cal. App. 2d 362, 365 (1968).

¹⁵ *See Brougher v. Bd. of Pub. Works*, 205 Cal. 426, 440 (1928).

¹⁶ *Johnson*, 4 Cal. 4th at 407.

¹⁷ Pub. Cont. Code § 1100.7; *R & A Vending Services, Inc. v. City of Los Angeles*, 172 Cal. App. 3d 1188, 1191 (1985); *Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.*, 71 Cal. App. 4th 38, 51 (1998).

¹⁸ Cal. Veh. Code § 21.

¹⁹ *Helbach v. City of Long Beach*, 50 Cal. App. 2d 242, 247 (1942).

²⁰ *Whisman v. San Francisco Unified Sch. Dist.*, 86 Cal. App. 3d 782, 789 (1978).

²¹ Cal. Gov’t Code § 34451.

²² Cal. Gov’t Code § 34458.

²³ Cal. Gov’t Code §§ 34457, 34462.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date:	September 10, 2024
Subject:	Acceptance of the Riverbank Police Gate & Fence Project and Authorization to File a Notice of Completion
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Senior Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Riverbank Police Gate & Fence Project and authorize staff to file a Notice of Completion.

SUMMARY:

Golden Bay Fence Plus Iron Works, Inc. has completed the construction of the Riverbank Police Gate & Fence Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on June 13, 2023 to Golden Bay Fence Plus Iron Works, Inc. in the amount of \$282,844.00. One (1) contract change order was issued for this project in the amount of \$23,220.00. The total cost of construction is \$306,064.00.

It is recommended that the Council accept the Riverbank Police Gate & Fence Project as complete and authorize the Senior Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

Funding has been programmed for this project with American Rescue Plan Act.

ATTACHMENTS:

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

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATECITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367SPACE ABOVE THIS LINE
FOR RECORDER'S USE**NOTICE OF COMPLETION****NOTICE IS HEREBY GIVEN THAT:**

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

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

(Print Full Name)

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

(Address, City, State, Zip)

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

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

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

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

Co-owner's Name(s)

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

N/A

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

Co-owner's Name(s)

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

N/A7. A work of improvement on the property described below was completed on September 10, 2024

(Date of Completion)

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

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8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") Golden Bay Fence Plus Iron Works, Inc.

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

- ☐ The kind of work done or finished was construct and furnish all labor, materials, equipment, transportation,
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
and incidentals necessary for installation of perimeter fencing, vehicle & pedestrian access gates,
electronic control systems and all other work included on the plans.

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

Riverbank Police Gate & Fence Project

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

10. The street address of the said property is Enclose the perimeter of the Police Department & City Hall
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")
parking lot located at 6727 Third Street and 6707 Third Street in Riverbank, CA 95367

Dated this 10th day of September, 2024
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Senior Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

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

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

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

on this 10th day of September, 2024
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Senior Project Coordinator

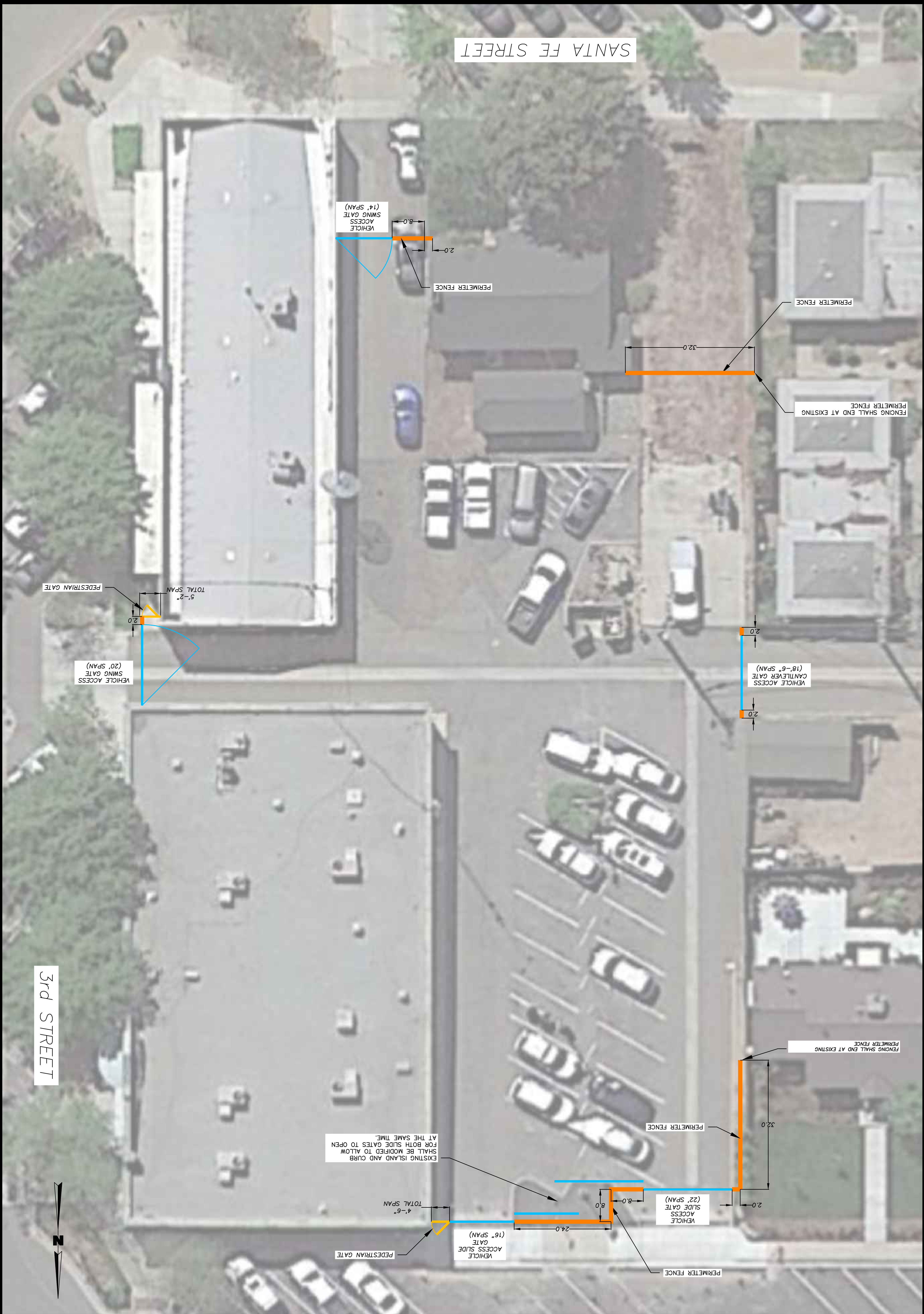
This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered,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

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

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

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





13231

1

EX-1

SHEET

SITE PLAN

POLICE STATION FENCE & GATES
RIVERBANK, CALIFORNIA

440 S. Yosemite Avenue, Suite A
Oakdale, CA 95361
Phone: (209) 847-8726
www.Ardurra.com

REVISIONS			
REV #	DESCRIPTION	DATE	APPROVED

1-800-227-2600
CALL 3 HOURS BEFORE DAYS IN ADVANCE

\\FILESERVER\Server Drive\PROJECTS\2013\13231\Riverbank Police Services Fencing\Drawings\Plans\shs\EX-1 Riverbank Police Fence Exhibit.dwg 11/18/2022 2:13pm

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date:	September 10, 2024
Subject:	Acceptance of the Patterson Road Sidewalk Project between Roselle and Hwy 108 and Authorization to File a Notice of Completion
From:	Marisela H. Garcia, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Senior Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Patterson Road Sidewalk Project between Roselle and Hwy 108 and authorize staff to file a Notice of Completion.

SUMMARY:

United Pavement Maintenance, Inc. has completed the construction of the Patterson Road Sidewalk Project between Roselle and Hwy 108. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on March 26, 2024 to United Pavement Maintenance, Inc. in the amount of \$315,280.30. There were two contract change orders in the amount of \$41,388.18. The total cost of construction is \$356,668.48.

It is recommended that the Council accept the Patterson Road Sidewalk Project between Roselle and Hwy 108 as complete and authorize the Senior Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

Costs to be covered by Congestion Mitigation Air Quality (CMAQ), \$474,030.00 and Water Fund, \$20,000.00.

ATTACHMENTS:

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

AND WHEN RECORDED MAIL TO

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

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

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

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

(Print Full Name)

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

(Address, City, State, Zip)

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

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

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

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

Co-owner's Name(s)

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

N/A

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

Co-owner's Name(s)

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

N/A7. A work of improvement on the property described below was completed on September 10, 2024

(Date of Completion)

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

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8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") United Pavement Maintenance, Inc.

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

- ☐ The kind of work done or finished was construct and furnish all labor, materials, equipment, transportation,
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
and incidentals necessary to construct all curb, gutter, ADA ramps, sidewalk, asphalt paving, traffic
control and all other work included on the plans.

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

Patterson Road Sidewalk Project

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

10. The street address of the said property is Patterson Road between Roselle Ave and Hwy 108
in Riverbank, CA 95367
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 10th day of September, 2024
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Senior Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

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

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

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

on this 10th day of September, 2024
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Senior Project Coordinator

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

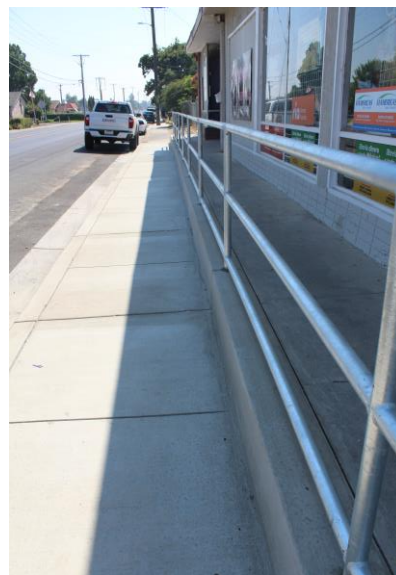
If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

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

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

Patterson Road Sidewalk Project Photos

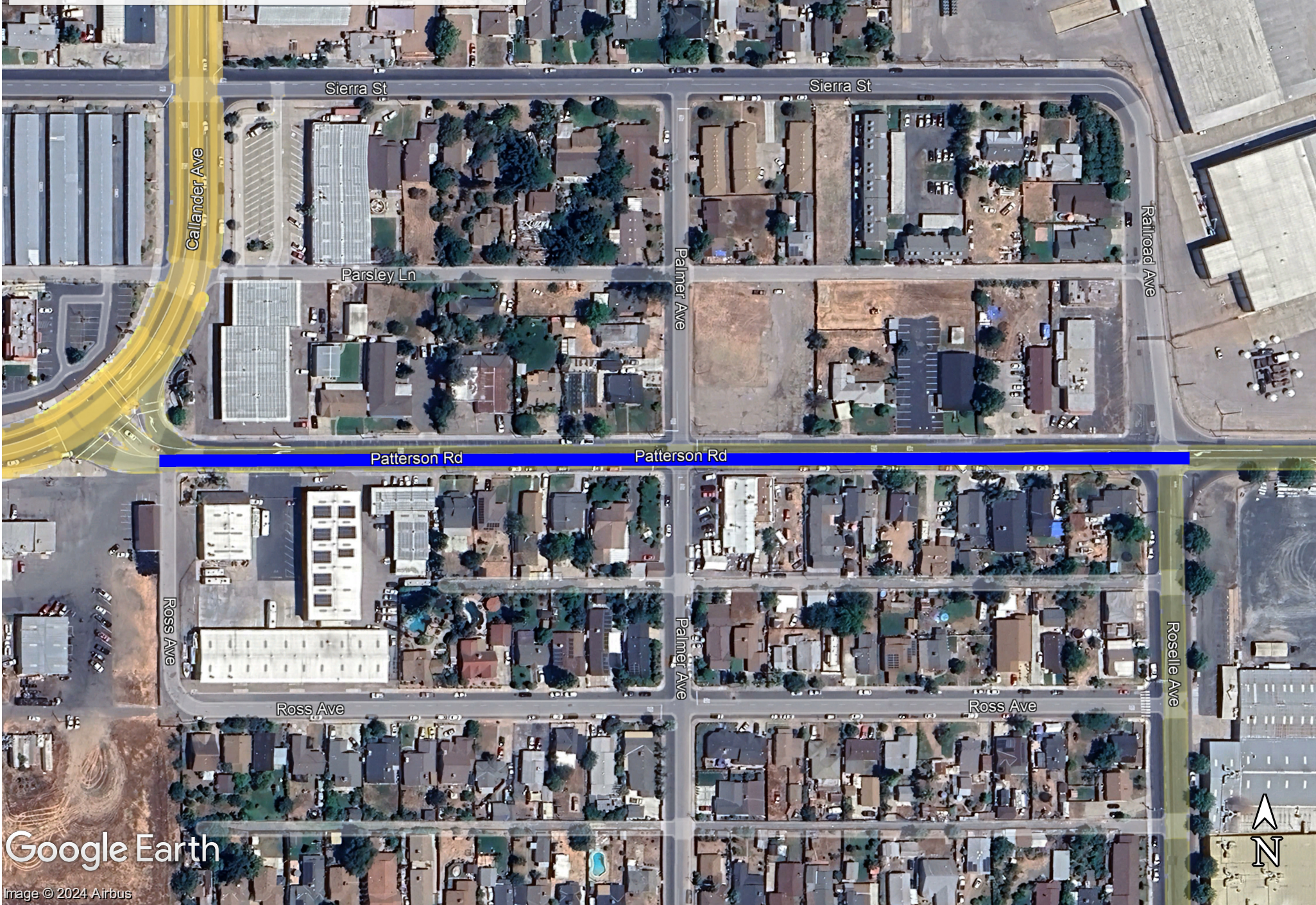
ATTACHMENT 2



Patterson Road Sidewalk Project

between Hwy 108 and Roselle Ave

ATTACHMENT 3



Google Earth

Image © 2024 Airbus

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date: September 10, 2024

Subject: Resolution Accepting the Public Improvements for DMG Development, LP for Crossroads West Unit 2

From: Marisela H. Garcia, City Manager

Submitted by: Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION:

Council to adopt a Resolution accepting the public improvements required by the Planning Commission and City Council constructed by DMG Development, LP for Crossroads West Unit 2.

SUMMARY:

DMG Development, LP has completed the construction of public improvements for Crossroads West Unit 2 subdivision as required by the Planning Commission and City Council of the City of Riverbank.

The public improvements completed by DMG Development, LP for Crossroads West Unit 2 subdivision have been inspected by the Sr. Construction Inspector and are acceptable. These public improvements consist of pavement, curb, gutter, sidewalk, storm drain collection system, water distribution system, sewer collection system, street lighting system, and landscaping. DMG Development, LP will provide a one (1) year maintenance bond for the public improvements as required by City Ordinance.

In Centennial Park the grass sod experienced an extreme heat wave with temperatures exceeding 110 degrees. As a result of the high temperatures and inadequate irrigation, a portion of the newly installed grass died and was replaced with new grass sod turf. The newly laid sod is taking root, but in some areas, it has not completely filled in leaving a few dead spots. With the grass issue in the park, DMG Development, LP will continue the maintenance of the park for an additional 90 days from date of acceptance. This will allow for the new grass to completely fill in.

DMG Development, LP and KB Home North Bay, LLC entered into a Subdivision Improvement Waiver and Consent Agreement dated May 30, 2024. This agreement states that KB Home North Bay, LLC will be responsible for the type 2 slurry seal and

final permanent thermoplastic striping once they have received certificates of occupancy for all the KB lots.

It is recommended that the Council adopt a resolution accepting the public improvements as required by the Planning Commission and City Council.

FINANCIAL IMPACT:

A Community Facilities District was formed to cover the maintenance of this development. There is no financial impact to the City.

ATTACHMENTS:

1. Resolution 2024-

CITY OF RIVERBANK

RESOLUTION 2024 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, ACCEPTING
THE PUBLIC IMPROVEMENTS CONSTRUCTED BY DMG DEVELOPMENT, LP FOR
CROSSROADS WEST UNIT 2**

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

WHEREAS, DMG Development, LP is the developer for Crossroads West Unit 2 a proposed 160 lot subdivision on approximately 19.33 gross acres; and

WHEREAS, The Council adopted Resolution 2022-096 on June 28, 2022, authorizing the City Engineer to record the final map for DMG Development, LP for Crossroads West Unit 2 subdivision, upon determination that all conditions, fees and bonding required with the map have been provided; and

WHEREAS, The Subdivision Improvement Agreement for the Crossroads West Unit 2 Subdivision dated June 28, 2022 requires specific public improvements be constructed; and

WHEREAS, DMG Development, LP for Crossroads West Unit 2 subdivision has completed the construction of the public improvements; and

WHEREAS, the Sr. Construction Inspector has inspected the public improvements and determined they were constructed in accordance with the approved improvement plans and City of Riverbank Standards; and

WHEREAS, for Centennial Park DMG Development, LP will continue the maintenance of the park for an additional 90 days from date of acceptance; and

WHEREAS, Per Subdivision Improvement Waiver and Consent Agreement dated May 30, 2024, KB Home North Bay, LLC is responsible for the type 2 slurry seal and final permanent thermoplastic striping once KB Home North Bay, LLC has received certificates of occupancy for all the KB lots.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY accept the public improvements constructed by DMG Development, LP for Crossroads West Unit 2 subdivisions consisting of pavement, curb, gutter, sidewalk, storm drain collection system, water distribution system, sewer collection system, street lighting system, and landscaping.

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

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.6

SECTION 9: CONSENT CALENDAR

Meeting Date:	September 10, 2024
Subject:	Resolution Approving the Purchase of a BMW Motorcycle for Riverbank Police Services and Authorizing the Surplus and Sale of 2018 BMW Motorcycle #18-03 to the Sheriff's Office
From:	Marisela H. Garcia, City Manager
Submitted by:	Ed Ridenour, Police Chief

RECOMMENDATION

It is recommended that the City Council consider a resolution authorizing the replacement of our 2018 BMW Police Motorcycle (vehicle #18-03) and consider the surplus and sale of it to the Sheriff's Office to be utilized as an auxiliary Police Motorcycle.

SUMMARY

Riverbank Police Services Traffic Unit is comprised of three (3) deputies who are assigned full-time to traffic operations throughout the City. Their function is to increase traffic safety throughout the city through enforcement and education. Two (2) of the deputies patrol the city on BMW police motorcycles and the other patrols in standard cars or SUV's. BMW has become the industry standard for police motorcycle operations, due to their increased reliability. Our traffic deputies play a vital role in keeping our city safe as they work traffic enforcement, DUI checkpoints, and conduct vehicle collision investigations.

Our two (2) police motorcycles are funded outside of our contract with the Sheriff's Office and are funded directly through the City. Our most recent motorcycle was replaced in 2020 and the oldest was in 2018. The 2018 police motorcycle (vehicle #18-03) is six years old and currently has over 37,000 miles on it. These motorcycles are put through heavy-duty use as compared to motorcycles used for non-commercial applications. The 2018 motorcycle has served the city well; however, it is showing its age with increased maintenance and no warranty coverage. This motorcycle is well beyond the manufacturer's warranty of 36,000 miles or 3 years. Our vehicle life service agreement for our police motorcycles is 40,000 miles or outside of the manufacturer warranty, whichever comes first.

The Sheriff's Office has offered to purchase the 2018 police motorcycle from the city for Bluebook value. This option would prove most beneficial as the revenue from the 2018 motorcycle would offset the cost of a new police motorcycle. In addition, to the offset cost of a new motorcycle, the Sheriff's Office plan for the 2018 motorcycle is to keep it as an auxiliary motorcycle that would be used for part-time county-wide traffic operations, police motorcycle training and could be utilized by contract cities in the event one of our motorcycles are out of service for an extended period.

Traditionally there are three (3) pieces of equipment we recycle from aged police motorcycles into a replacement if they are still in serviceable condition. These recycled items include the police radio, radar unit, and wireless communications. With the motorcycle being sold to the Sheriff's Office and being used for law enforcement operations, the equipment would not be available to be recycled onto a new motorcycle. The Sheriff's Office has agreed to purchase a new radio, radar unit, and wireless communications equipment at no cost to the city for the new motorcycle.

Our Police Motorcycles are typically funded through the Traffic Safety Fund. This fund has sufficient funding for the purchase of a new BMW Police Motorcycle.

STRATEGIC PLAN

This item is directly related to the City Council's Strategic Plan Goal to "*Improve Public Safety.*"

FINANCIAL IMPACT

We received a quote for a new 2025 BMW Police Motorcycle for \$31,212.71. The current Bluebook value of the 2018 motorcycle (vehicle #18-03) is \$13,200 and would be paid directly to the City of Riverbank by the Sheriff's Office.

Our Traffic Safety fund is currently \$42,400 and has sufficient funding to purchase the new motorcycle.

ATTACHMENTS

1. Kelly Bluebook Value for Police Motorcycle #18-08
2. Resolution 2024
Exhibit A: Quote 2025 BMW Police Motorcycle

Advertisement

Touring

2018 BMW R1200RT

Which Style Are You Interested In?

Style

Base Style

▼

Trade-In Value Typical Listing Price



\$13,200

In Good Condition with typical mileage ⓘ

When trading in at a dealership

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CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIVERBANK, CALIFORNIA
APPROVING THE PURCHASE OF A BMW MOTORCYCLE FOR RIVERBANK
POLICE SERVICES AND AUTHORIZING THE SURPLUS AND SALE OF 2018 BMW
MOTORCYCLE #18-03 TO THE SHERIFF'S OFFICE**

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

WHEREAS, Riverbank Police Services Traffic Unit goal is to increase traffic safety by enforcement and education; and

WHEREAS, Riverbank Police Services Traffic Unit has two (2) Police Motorcycles and

WHEREAS, our 2018 Police Motorcycle (vehicle #18-03) is six (6) years old and has over 37,000 miles; and

WHEREAS, the vehicle life service agreement for our police motorcycles is 40,000 miles or outside of manufacturer warranty, whichever comes first; and

WHEREAS, the BMW Police Motorcycle Warranty is 36,000 or three (3) years, whichever comes first; and

WHEREAS, the cost of new 2025 BMW Police Motorcycle is \$31,212.71 as reflected in Exhibit A; and

WHEREAS, the Sheriff's Office has agreed to purchase our 2018 Police Motorcycle (vehicle #18-03) for Bluebook value (currently \$13,200); and

WHEREAS, the Sheriff's Office will purchase the police radio, radar unit, and wireless communications equipment for the new motorcycle; and

WHEREAS, the Traffic Safety Fund has sufficient revenue to cover the cost of the new Police Motorcycle.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the City Manager to purchase a replacement BMW Police Motorcycle and the surplus and sale of the 2018 Police Motorcycle (vehicle #18-03) to the Sheriff's Office.

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

Richard D. O'Brien
Mayor

Attachment: Exhibit A - Quote 2025 BMW Police Motorcycle

R 1250 RT-P Motor Pricing Form



Note: Prices subject to change without notice. Final price is always determined by the selling authorized BMW Motorcycle dealer.

R 1250 RT-P Motor Pricing Form - Page 2

See Special Notation Comment

Quotation for:

Your Agency Name Here



Blue ID Light Selection (1)					
1	Standard Blue Pod-Mounted ID Lights - SID	63 17 2 361 717		\$0.00	\$0.00
0	Round Blue License Plate ID Lights - RID	71 60 2 452 897		\$0.00	\$0.00
Per	Emergency Warning Lights (10)	BMW P/N	Order #	Retail	Total Retail
5	Red LED-X Light	63 17 2 361 718	5	\$122.65	\$613.24
5	Blue LED-X Light	63 17 2 361 719	5	\$122.65	\$613.24
0	Amber LED-X Light	63 17 2 361 720	0	\$122.65	\$0.00
0	White LED-X Light	63 17 2 361 721	0	\$132.80	\$0.00
0	Green LED-X Light	63 17 2 450 782	0	\$132.80	\$0.00
Rear Duplex Emergency Warning Light (1)					
0	Duplex LED-X Red / Red	63 17 2 361 728	0	\$392.65	\$0.00
0	Duplex LED-X Blue / Blue	63 17 2 361 729	0	\$427.94	\$0.00
1	Duplex LED-X Red / Blue	63 17 2 361 730	1	\$410.74	\$410.74
0	Duplex LED-X Blue / Amber	63 17 2 361 731	0	\$410.74	\$0.00
0	Duplex LED-X Amber / Amber	63 17 2 450 784	0	\$410.29	\$0.00
Take-Down (4) Alley (2) TS (2) BT (2) Saddlebag Light (1) Red ID (1)					
6	White Torus LED TDL/Alley	63 17 2 361 722	6	\$87.35	\$524.12
2	Auxiliary LED Turn Signals	63 17 2 361 725	2	\$82.94	\$165.88
2	Auxiliary LED Brake/Tail Light	63 17 2 361 726	2	\$63.98	\$127.95
1	Saddlebag LED Lights w/sensor switch	63 17 2 361 727	1	\$163.24	\$163.24
0	Red ID Lights (replacing blue ID lights)	63 17 2 361 724	0	\$125.33	\$0.00
0	Round Blue License Plate ID Light Kit	71 60 2 452 876	0	\$137.09	\$0.00
Dealer Installed Options / Retrofits					
0	Shift Assistant Pro (hardware)	23 41 8 536 884	0	\$813.24	\$0.00
0	Shift Assistant Pro - Enabling Code	77 15 8 395 839	0	\$45.00	\$0.00
0	Ride Modes Pro - Enabling Code	77 53 8 395 840	0	\$218.46	\$0.00
0	Also Requires DTC Enabling Code	77 53 8 395 841	0	\$53.80	\$0.00
0	LED Auxiliary Headlights Nano (order 2)	63 17 9 457 322	0	\$176.24	\$0.00
0	Bolt 6 x 40 (order 2)	63 12 7 699 141	0	\$5.59	\$0.00
0	M6 Hex Nut (order 2)	07 12 9 905 826	0	\$3.64	\$0.00
Requires Activation by Dealer - No Code Needed					
Convenience Options					
0	Extra Ignition Key - No Keyless Ride	51 25 8 540 950	0	\$114.51	\$0.00
0	Extra Ignition Key - Keyless Fob Transmitter	66 12 7 914 594	0	\$400.89	\$0.00
0	Heated Seat - Low	52 53 8 544 786	0	\$606.05	\$0.00
0	Heated Seat - High	52 53 8 544 792	0	\$606.05	\$0.00
0	Tire Pressure Gauge	82 12 0 140 377	0	\$32.12	\$0.00
0	BMW Battery Charger	61 43 2 408 594	0	\$138.35	\$0.00

Note: Prices subject to change without notice. Always verify accuracy of part pricing before submitting quotations.

Final price is always determined by the selling authorized BMW Motorcycle dealer.

R 1250 RT-P Motor Pricing Form - Page 3



Quotation for:

Your Agency Name Here

Additional Accessories

Qty	Item Description	BMW P/N	Order #	Retail	Total Retail
Per	Additional Accessories				
	Storage Options				
0	Saddlebag Liners (each)	71 60 7 704 109	0	\$140.54	\$0.00
0	Tank Top Bag	77 45 8 543 227	0	\$81.67	\$0.00
	Engine Protection				
0	Rocker Cover Protection	77 14 8 406 187	0	\$265.55	\$0.00
0	Sump / Engine Protection Guard (order 1)	11 84 8 532 939	0	\$147.36	\$0.00
0	Fillister Head Screws M6 x 20 (order 5)	07 12 9 908 076	0	\$3.72	\$0.00
0	Grommet (order 5)	13 53 1 341 283	0	\$3.06	\$0.00
0	Bushing (order 5)	11 84 8 544 832	0	\$6.02	\$0.00
0	Bracket front (order 1)	11 84 8 532 937	0	\$69.68	\$0.00
0	Bracket Rear (order 1)	11 84 8 532 940	0	\$87.07	\$0.00
0	C-Clip Nut M6 (have been included w/brackets)	07 14 7 693 887	0	\$3.06	\$0.00
0	Fillister Head Screws M8 x 25 (order 5)	07 12 9 907 382	0	\$1.92	\$0.00

Note: Prices subject to change without notice. Always verify accuracy of part pricing before submitting quotations.

Final price is always determined by the selling authorized BMW Motorcycle dealer.

Page 3

Additional Accessories From Other Suppliers - Page 4

Qty	Description	PN	Price Each	Total Price
1	TICKET BOOK LAPD STYLE	FMSA-LAPD-TBB	\$ 235.00	\$ 235.00
1	ZEBRA PRINTER HOLDER	FMSA-ZPB	\$ 288.00	\$ 288.00
1	KEY LOCK ZEBRA PRINTER		\$ 39.00	\$ 39.00
1	PHONE HOLDER	FMSA-MT-CPH	\$ 59.00	\$ 59.00
1	RIFLE RACK	FMSA-GL-ARM	\$ 767.00	\$ 767.00
1	FLASH LIGHT AND BATON HOLDER	FMSA-MT-LFBH	\$ 200.00	\$ 200.00
1	STALKER SERIES LIDOR HOLSTER	FMSA-GHST-X	\$ 299.00	\$ 299.00
		subtotal		\$1,887.00
		tax		\$167.47
		TOTAL	\$	2,054.47

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.7

SECTION 9: CONSENT CALENDAR

Meeting Date: September 10, 2024

Subject: Resolution Approving the Addition of the Capital Project/Regulatory Compliance Manager Position and Salary Range to the City's Compensation Plan and Removing the Development Services Administration Manager Position

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a resolution authorizing the addition of the Capital Project/Regulatory Compliance Manager position and salary range to the City's Compensation Plan.

SUMMARY

Over the course of the past several years, the City Manager and Human Resources Division have been working on updates to the City's job descriptions and salary ranges for certain key positions. In this case, an evaluation of the current Development Services Administration Manager job description was performed, and it is recommended that based on changes to the job duties a new Title and Job Description is recommended. Approval of this item will remove the Development Services Administration Manager position from the Compensation Plan and be replaced by the Capital Project/Regulatory Compliance Manager position.

BACKGROUND

In June 2014 the City Manager implemented a reorganization of the Development Services Department which encompassed the following three divisions:

- Building & Planning
- Public Works
- Development Services Administration

To achieve cost savings due to continuing changes in the economy, the City Manager proposed the elimination of a Department Director (Development Services Director)

position, and instead created three Manager positions to oversee each of the divisions:

Division	Manager
Planning & Building	Planning & Building Manager
Development Services Administration	Development Services Admin. Manager
Public Works	Public Works Superintendent

Each of these three Manager positions did not previously exist in the City's Compensation Plan, therefore new job descriptions and salary ranges were established for each. Two employees were promoted to new positions, while a new position was created and advertised for as the job was being performed by contract employees at that time:

Current Position	Proposed Position
Contract Planning Staff	Planning & Building Manager (New)
Sr. Management Analyst	Development Services Admin. Manager
Deputy Director of Development Services-Operations	Public Works Superintendent

The approval of this reorganization resulted in a promotion for Kathleen Cleek, who was a Sr. Management Analyst and was promoted to the Development Services Administration Manager. Responsibilities included the oversight of the project management staff, construction inspections, and engineering staff. The position was tasked with overseeing all capital projects (local, state, and federal), including those associated with new development, as well as being our liaison for regional transportation projects (i.e. North County Corridor) and ensuring regulatory compliance with new state and federal mandates (Storm Water & Solid Waste/Recycling).

Unfortunately, at the time of the creation of the job description the City Manager and Human Resources Manager at the time did not create a description that was detailed or inclusive of all of the new duties. Over the past 10 years this position has continued to grow and continued to incorporate increased oversight, particularly in the realm of regulatory compliance. This led to a need to review and revise the existing job description to ensure that we captured all of the essential duties of the position. As such, a new title was warranted as it was compared to similar positions in other jurisdictions such as Modesto, Patterson, and Oakdale. This also allowed for the compensation to be adequately reviewed and established for our organization.

RECOMMENDATION

It is recommended that the City Council consider the following title change:

Current Position	Proposed Position
Development Services Admin. Manager	Capital Project/Regulatory Compliance Manager

Based on the proposed title change the salary range is being proposed as follows to remain competitive with similar jurisdictions:

	A	B	C	D	E
Current Range 166	\$8,680.97	\$9,115.02	\$9,570.77	\$10,049.31	\$10,551.78
Proposed Range 179	\$9,879.72	\$10,373.71	\$10,892.39	\$11,437.01	\$12,008.86
Difference	\$1,198.75	\$1,258.69	\$1,321.62	\$1,387.70	\$1,457.08

The change in classification and salary adjustment would result in the current Manager receiving an increase in salary going from Step E of the 166 Salary Range to Step E of the 179 Salary Range. The current employee has been performing these job duties for an extended period of time therefore the salary change recommendation to Step E is recommended. This adjustment will be retroactive to the first full pay period of July.

STRATEGIC PLAN

This item is directly related to the City Council's Strategic Plan goal to "Encourage Employee Development".

FINANCIAL IMPACT

The salary range adjustment is being requested to be retroactive to the first full pay period of the 2024-2025 Fiscal Year. Kathleen Cleek's salary & benefits are currently paid via the General Fund (50%), Water Fund (25%), and Sewer Fund (25%). The annual increase to salary & benefits as a result of this proposal is \$24,700.

Current Annual Benefits			Proposed Annual Benefits				
FY 2024-25 ESTIMATES							
DEVELOPMENT SERVICES ADMIN. MANAGER			CAPITAL PROJECT/REGULATORY COMPLIANCE MANAGER				
	166	Step E		179	Step E	Increase	
GROSS PAY		\$ 129,153.72	GROSS PAY		\$ 146,988.42	17,800.00	701.001
OOC PAY			OOC PAY		\$ -	-	
PERS		30,453.16	PERS		34,658.40	4,200.00	708.006
MEDICAL		-	MEDICAL		-	-	708.008
DENTAL		-	DENTAL		-	-	708.008
SELF INS		17,358.26	SELF INS		19,755.24	2,400.00	708.010
ICMA		-	ICMA		-	-	
LIFE		-	LIFE		-	-	708.008
VISION		-	VISION		-	-	708.008
MEDICARE		1,872.73	MEDICARE		2,131.33	300.00	708.005
SUTA		-	SUTA		-	-	
SOC SEC.		-	SOC SEC.		-	-	708.007
UNION RET		-	UNION RET		-	-	708.009
TOTAL		\$ 178,837.86	TOTAL		\$ 203,533.40	\$24,700.00	

ATTACHMENTS

1. Resolution
2. Capital Project/Regulatory Compliance Manager Job Description

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIVERBANK, CALIFORNIA
APPROVING THE ADDITION OF THE CAPITAL PROJECT/REGULATORY
COMPLIANCE MANAGER POSITION AND SALARY RANGE TO THE CITY'S
COMPENSATION PLAN AND REMOVING THE DEVELOPMENT SERVICES
ADMINISTRATION MANAGER POSITION AND SALARY RANGE**

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

WHEREAS, in June 2014 the City Council authorized the reorganization of the Community Development Department and Public Works and consolidated them into the Development Services Department due to budgetary constraints; and

WHEREAS, as part of the reorganization the City Council authorized the creation of three Manager positions to oversee the Planning & Building Division, Development Services Administration Division, and Public Works Division; and

WHEREAS, the City Council authorized the Development Services Administration Manager Job Description at the June 24, 2014 Council meeting which was tasked with overseeing the Development Services Administration Division; and

WHEREAS, over the course of the past 10 years, the City has continued to grow thus leading to additional duties and responsibilities being undertaken by employees; and

WHEREAS, the Development Services Administration Manager has added regulatory compliance duties to their essential tasks; and

WHEREAS, a review of the existing job description was warranted and in comparing the position to similar positions in other municipal organizations it was deemed necessary to change the job title; and

WHEREAS, the job title that most adequately reflects the position is that of Capital Project/Regulatory Compliance Manager; and

WHEREAS, the proposed change to the title also warranted a review of the salary range in order to remain competitive with similar positions in other municipal organizations; and

WHEREAS, the current Development Services Administration Manager will be reclassified to the Capital Project/Regulatory Compliance Manager position effective the first full pay period of the 2024-2025 Fiscal Year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve the following:

1. The creation of the Capital Project/Regulatory Compliance Job Description and its addition to the City's Compensation Plan, and
2. The approval of the salary range for the Capital Project/Regulatory Compliance Salary Range to Range 179 as follows:

Steps	A	B	C	D	E
Range 179	\$9,879.72	\$10,373.71	\$10,892.39	\$11,437.01	\$12,008.86

3. A budget amendment of \$24,700 for the additional salary and benefits due to the reclassification of the current Development Services Administration Manager to be allocated to the General Fund – 50%, Water Fund – 25%, and Sewer Fund – 25%.

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

Richard D. O'Brien
Mayor

Attachment(s): *Capital Project/Regulatory Compliance Manager Job Description*

CITY OF RIVERBANK**CAPITAL PROJECT/REGULATORY COMPLIANCE MANAGER**

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

The Capital Projects & Regulatory Compliance Manager is under general direction of the City Manager or designee; plans and manages Capital Improvement Program activities and functions; plans, directs, supervises, and coordinates departmental functions and engineering activities; prepares operating and capital improvement budgets; supervises assigned staff and oversees the work of contract consultants and contractors to ensure contract and regulatory compliance; researches, acquires, and administers grant funding from multiple sources ensuring compliance with all applicable regulatory requirements and highly complex reporting requirements; oversees the City's compliance with Solid Waste legislation, coordinates activities with other departments, outside agencies, and provides support to the City's management team; represents the City on regional issues and coordinates with other communities and outside agencies.

DISTINGUISHING CHARACTERISTICS:

The Capital Projects & Regulatory Compliance Manager is the management level position that exercises full responsibility for planning, organizing, and directing the work activities of the City's Development Services Administration Department. This classification is distinguished from the next higher classification of City Manager and/or Assistant City Manager in that the latter is responsible for the operation of the entire Administrative Services Department.

SUPERVISION RECEIVED/EXERCISED:

Receives general supervision from the City Manager or Assistant City Manager. Exercises supervision over professional, technical, construction inspection, and clerical staff; oversees the work of contract consultants and contractors to ensure compliance; and exercises responsible charge of assigned functions, including engineering, capital projects, traffic/transportation, and utility planning.

ESSENTIAL FUNCTIONS: *(include, but are not limited, to the following)*

- Analyzes the Department's needs and policies, developing program and policy changes, and ensuring compliance with regulations and reporting requirements.
- Manages assigned activities within the Capital Improvements Program, such as storm, sewer and water management, transportation planning and pavement management programs.
- Maintains responsibility for the design, survey, construction, and construction inspection of all streets, storm drains, water and capital improvement projects.
- Assists with the planning, directing, supervision, and coordination of departmental

operations; oversees and participates in the development of departmental strategic plans; assigns work activities, projects, and programs; monitors workflow; reviews and evaluates work products, methods and procedures.

- Supervises and participates in the development and administration of the Department budget; directs and forecasts additional funds needed for staffing, equipment, materials, and supplies; monitors and approves expenditures; implements mid-year adjustments.
- Oversees and/or manages the City's Environmental/Regulatory Programs (Storm Water, Fats, Oils, & Grease (FOG) Program, Recycling Program and Solid Waste).
- Supervises and participates in the development and administration of the City's Landscape and Lighting Districts and Community Facilities District; directs and forecasts funding for equipment, maintenance, and capital improvements; monitors and approves expenditures.
- Determines scope of engineering projects; prepares Request for Proposal (RFP); coordinates the bidding process for assigned projects; oversees and participates in the assembly and preparation of bid documents including drawings, calculations, specifications, plans and support materials; assures bid documents, notifications, awards and related materials are distributed to appropriate contractors, outside agencies, and personnel according to established timelines; evaluates and recommends professional engineering consultants and contracts awards.
- Coordinates Department activities with those of other departments and outside agencies and organizations; prepares and presents staff reports and other necessary correspondence.
- Prepares operating and capital improvement budgets and exercises control of expenditures.
- Leads a design team in the conduct and completion of complex engineering projects; serves as project manager for assigned complex and major engineering projects.
- Provides infrastructure master planning analysis and project planning support.
- Researches, applies, acquires, manages, and administers Capital Improvement Project funding, ensuring compliance with regulatory and reporting requirements, revenue allocation and expenditure tracking processes.
- Participates in regional transportation planning efforts to address local transportation issues and participates in allocating federal and state funding for local projects.
- Serves as the City's Disadvantaged Business Enterprise Liaison Officer (DBELO).
- Serves as the City's Americans with Disabilities Act (ADA) Coordinator.
- Evaluates, recommends, and implements the recycling program for the City; coordinates recycling activities with other divisions, departments, entities, and governmental agencies; prepares grant applications, administers grants, and monitors legislation.

- Participates in recommending the appointment of personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; recommends employee terminations.
- Establishes performance expectations and evaluates the performance of subordinate personnel.
- Prepares Council agenda items related to engineering activities and the Capital Improvement Program; and appears before the City Council, Council Committees, boards, commissions, and numerous civic organizations representing the Department.
- Prepares a variety of correspondence including general and special reports.
- Coordinates activities with consultants, engineers, developers, contractors, other City departments and divisions and with outside agencies.
- Provides information to the public and responds to and resolves difficult citizen inquiries and complaints related to Capital Projects.
- Performs related duties as required and special projects as assigned.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification.)*

Education and/or Experience:

The education and experience that has provided the knowledge, skills, and abilities necessary for a **Capital Projects & Regulatory Compliance Manager** to perform the essential functions of the job. Qualifications include the equivalent of six-years of increasingly responsible experience related to Development Services, including expertise in a supervisory or management capacity, and a bachelor's degree in planning, urban development, business, public administration, or a related field. A master's degree is highly desirable.

License/Certificate:

Possession of, or ability to obtain, a valid Class C California driver's license.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position.)*

Knowledge of:

Modern principles and practices of administration, management, and supervision; public sector budgeting principles and practices; principles of effective leadership; applicable Federal, State, and local laws, rules, ordinances, and regulations; theories, principles, and operational practices applicable to the area of assignment; methods and techniques of scheduling work assignments;

standard office procedures, practices, and equipment; modern office equipment including a computer and applicable software; methods and techniques for record keeping and report preparation and writing; proper English, spelling and grammar; occupational hazards and standard safety practices; techniques for effectively representing the City, including making effective public presentations and dealing with a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone.

Ability to:

Plan, direct, manage, and coordinate the work of the Development Services Department; developing Department activities, goals, and objectives, creating program evaluation tools and evaluating the effectiveness of the Department; applying theories, principles, and procedures in the area of the assignment; analyzing complex capital improvement projects, local improvement projects, and administrative issues; managing consultant contracts and agreements; supervising and evaluating staff, directly and through multiple levels of supervision; managing multiple tasks, often with competing deadlines; providing leadership and motivation to staff.

Skill to:

Operate an office computer and a variety of word processing, spreadsheet, and other software applications.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.8

SECTION 9: CONSENT CALENDAR

Meeting Date: September 10, 2024

Subject: Resolution Authorizing the Purchase of One (1) Acre of Land Located on APN 074-014-016 for the Construction of Well #13 for \$410,000 and Allocating Funds from the Water System Development Fee (Fund 206) for said Purchase

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution authorizing the purchase of one (1) acre of land of existing parcel 074-014-016 for the future construction of Well #13 for \$410,000 and allocating funds from the Water System Development Fee Fund 206 for said purchase.

SUMMARY

On August 27, 2024 the City Council provided staff direction to initiate negotiations for the purchase of this property in order to construct Well #13 as required by the Crossroads West Specific Plan. Tonight's action formalizes that approval and allows the allocation of funds from the Water System Development Fee Fund.

BACKGROUND

On March 19, 2019 the City Council approved the adoption of Resolution 2019-015 which approved the Crossroads West Specific Plan (the "CWSP"). The CWSP "provides the implementation mechanisms and development standards by which Crossroads West will be built. The purpose of the CWSP is to create a comprehensively planned community that provides a balance of land uses, infrastructure and services to adequately serve and support the development." Chapter 7 of the CWSP provides an overview of the infrastructure requirements of the development, including the necessary improvements to our Water System to allow for the expansion of services into the new development. One such requirement is the construction of a new water well to serve the new development. This new well will be Well #13 within the City.

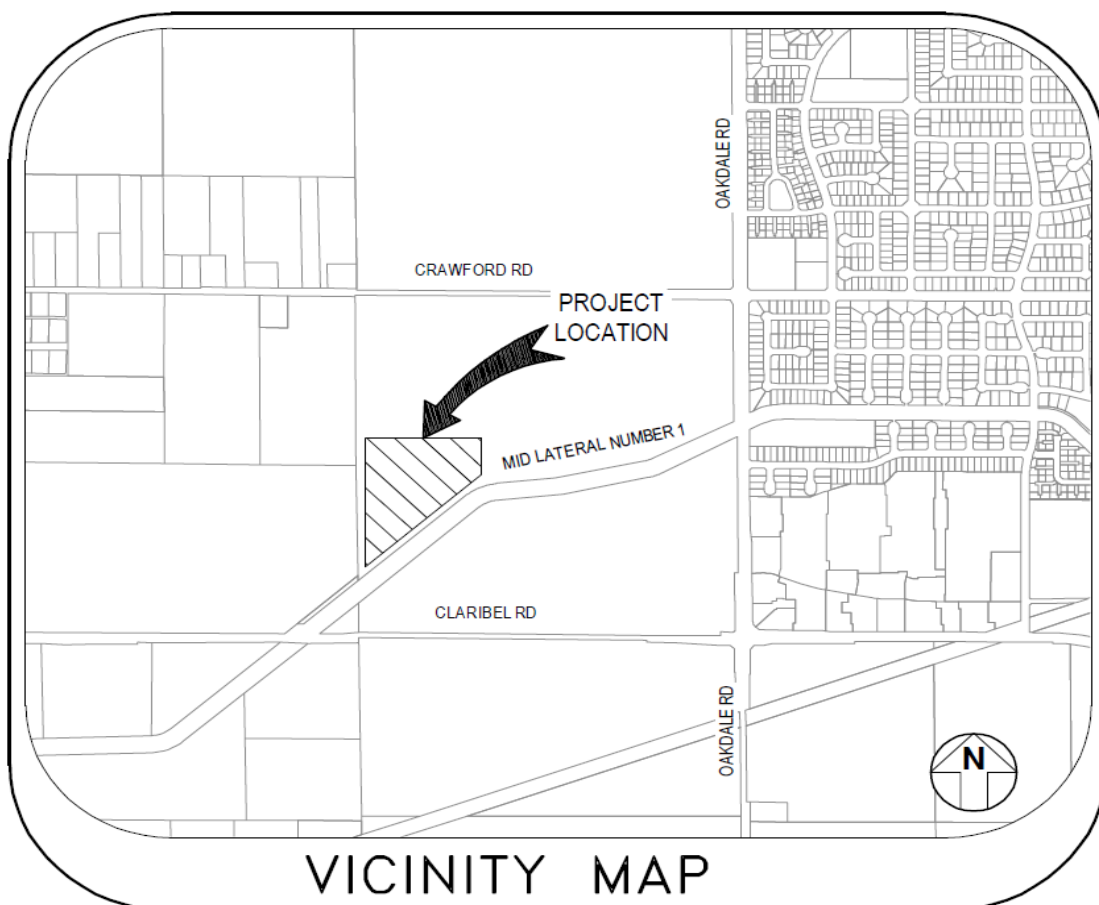
The timing of the development of Well #13 was set forth in the Development Agreement between the City and The Machado Parties and Harrigfeld Parties approved on November 12, 2019. The timeline was set as follows:

1. City to complete test well by issuance of 50th permit
2. Developer to convey land to City for well site by issuance of 70th permit
3. City to complete new water well design by issuance of 170th permit
4. City to construct new water well by issuance of 250th permit

On July 25, 2023 the City Council approved the award of the bid for the Well #13 – Test Well to Eaton Drilling Co., LLC. This work consisted of the drilling of a new borehole, application of drilling fluids, installation of well casings and intermediate seals, and construction of a well pedestal. The work was completed and accepted by the City on June 25, 2024. This test well confirmed that the site is adequate for the construction of a new well.

PROPERTY PURCHASE DETAILS

With the completion of the test well, the City is prepared to move forward with the acquisition of the site. One acre of land is required in order to provide adequate space for all of the components associated with Well #13. The site identified is currently part of Parcel 074-014-016. As part of the acquisition, a legal description will be prepared and recorded so that the site will have its own individual parcel number.



STRATEGIC PLAN

This item is related to the City Council's Strategic Plan Goal to "Promote Sustainable Development."

FINANCIAL IMPACT

Purchase price negotiated at \$410,000 to be allocated from the Water System Development Fee Fund (Fund 207).

ATTACHMENT

1. Resolution 2024-

CITY OF RIVERBANK

RESOLUTION 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE PURCHASE OF ONE (1) ACRE OF LAND LOCATED ON APN 074-014-016 FOR THE CONSTRUCTION OF WELL #13 FOR \$410,000 AND ALLOCATING FUNDS FROM THE WATER SYSTEM DEVELOPMENT FEE FUND (FUND 206) FOR SAID PURCHASE

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

WHEREAS, in February 2019 the City Council established a Strategic Plan Goal to “*Promote Sustainable Development*”; and

WHEREAS, in March 2019 the City Council approved the Crossroads West Specific Plan which provides an overview of the infrastructure requirements for development of the Specific Plan site; and

WHEREAS, the necessary improvements to our water system required to service the new development includes the construction of a new water well; and

WHEREAS, the City and the property owner have identified an adequate location for the construction of future Well #13; and

WHEREAS, the construction of a test well on the land currently located on parcel 074-014-016 confirmed that the site is adequate for the location of Well #13; and

WHEREAS, based on the timeline established in the Development Agreement with the Machado Parties and the Harrigfeld Parties the acquisition of a new well site is to be completed by the 70th permit; and

WHEREAS, on August 27, 2024 the City Council provided the City Manager with direction to proceed with the negotiation for the purchase of these properties; and

WHEREAS, the City Council desires to allocate \$410,000 in Water System Development Fee Funds (Fund 207) to complete this purchase.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the purchase of one (1) acre of land on APN 074-014-016 and allocates \$410,000 from Water System Development Fee Funds (Fund 207) for the purchase.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Riverbank does hereby authorize the City Manager to complete all the necessary documents required for the purchase.

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

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.9

SECTION 9: CONSENT CALENDAR

Meeting Date: September 10, 2024

Subject: Second Reading by Title Only of a Proposed Amendment to Title XI, Business Regulations, Amending Chapter 119 Massage/Bodywork Establishments

From: Marisela H. Garcia, City Manager

Submitted by: Joshua E. Mann, Director of Community Development

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the second reading of the proposed amendments and consider its approval.

SUMMARY

The proposed Zoning Ordinance Amendment is a staff-initiated proposal to modify the Riverbank Municipal Code (RMC) to be consistent with new State law related to massage therapy. Specifically, the amendments include:

- Amend Chapter 119, Massage/Bodywork Establishments to add Section 119.04 Certification Required and Section 119.05 Business License Required.
- Amend Section 119.02 Definitions to add and remove definition terms.
- Amend Section 119.09 Application for Massage Practitioner/Employee to require CAMTC certification and remove exemption.
- Remove Section 119.10 Application, Health Certificate.
- Amend Section §119.14 Massage Establishments, Generally.
- Amend Section §119.18 Exemptions.

This item received its first hearing at the August 27, 2024 meeting.

BACKGROUND AND ANALYSIS

On March 13, 2006, the City Council passed an Ordinance (Ordinance No. 2006-003) amending the RMC to add Chapter 119, regulating massage and bodywork establishments. The intent of this chapter was to establish minimum standards for

massage and bodywork practitioners and their business establishments so as to protect and safeguard the public health, safety, and welfare. These amendments to the City's Municipal Code were enacted to comply with the State legislation in effect at that time, as set forth in Government Code Sections 65852.2 and 65852.2.

On March 10, 2008, the City Council passed an Ordinance (Ordinance No. 2008-004) amending Chapter 119 of the RMC. This amendment included:

- Expanding the Legislative Purpose.
- Adding additional definitions for certified transcripts, operator, manager, employee, city manager, city council, police chief, and police department.
- Adding Section §119.04 Fees, Section §119.05 Application for operator permit, Section §119.06 Operator permit issuance and denial, Section §119.19 Attorney's fees and costs, and Section §119.24 Severability.
- Expanding massage practitioner permit application requirements by adding an itemized list of application materials.
- Expanding Section §119.13 Massage Establishment, Generally by adding regulations for facilities and operations.

In 2015, the Massage Therapy Act went into effect. The purpose of the Massage Therapy Act is to establish the California Massage Therapy Council to provide for consistent statewide certification and oversight of massage professionals, give broad control over regulating massage establishments to local governments to manage establishments in the best interest of the individual communities, and encourage local governments to establish a registration program that grants local governments the ability to either suspend or revoke a registration of massage business for specific violations, among other things.

The key components of the proposed Ordinance Amendment include:

- Add definitions for California Massage Therapy Council (CAMTC), CAMTC Certificate, Certified Massage Practitioner, Compensation, Massage, Massage Therapy Act, Reflexology, and removing the definitions for Bona Fide Nonprofit Club, Qualified Massage Educational Program, and Recognized School of Massage.
- Amend Section §119.03 Permit Required to add additional permitting requirements for massage establishments. All applicants will be required to have a valid CAMTC certificate, city business license, and a permit issued by the Police Chief.
- Add regulations on CAMTC certification. Applicants applying to operate a massage establishment will be required to provide proof of CAMTC certification. Section §119.04 Certification Required has been added to regulate CAMTC certification.
- Add provisions for business licenses. Applicants applying for a business license to operate a massage establishment will be required to provide proof of CAMTC certification to receive a business license. Massage establishments cannot be operated without a business license. Section §119.05 Business License Required has been added to regulate business licenses for Massage and Bodywork Establishments.

- Section §119.10 Application, Health Certificate has been removed to comply with Government Code section 51034 (c)(8). CAMTC certificate holders cannot be required to provide a certificate from a licensed physician.
- Amend Section §119.09 (9) to clearly define the requirement of the CAMTC certificate and remove subsections (a) and (b). All applicants will be required to present a valid CAMTC certificate, and no exemption will be allowed for applicants possessing education related to massage therapy, anatomy, or physiology completed outside the State of California.
- Amend Section §119.14 (A)(10) to provide an exemption to massage establishments that are owned by one individual with one or no employees or independent contractors regarding external door regulations.
- Amend Section §119.18 (D) to expand and clarify requirements for a reflexology exemption. All applicants seeking this exemption must provide evidence of the required items to the Chief of Police.

ENVIRONMENTAL REVIEW

The proposed Ordinance Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The proposed amendments do not change the zoning designation on any individual property and does not affect existing land use. The purpose of the amendment is to amend the Municipal Code to be consistent with recent State law as it relates to massage therapy and does not propose any specific development of a project.

FINANCIAL IMPACT

None.

2005-2025 GENERAL PLAN

The proposed Code Amendments comply with the following General Plan Policies:

Policy ED-2.1

The City will support efforts to increase the capacity and skill sets of the local labor force and help develop occupational skills that meet the needs of local and prospective businesses. This will be accomplished by working with local businesses, educational institutions, and regional agencies to identify and develop the job skills and training programs needed to serve future business needs. The City already works with the Modesto Junior College Pathways workforce program, and is assisting the Community Services Agency with locating a workforce development site in Riverbank.

PUBLIC NOTICE

The City Council public hearing notice was published in the Riverbank News on August 14, 2024, posted at City Hall North, City Hall South, the Post Office, the Riverbank Community Center, and emailed to the library.

ATTACHMENTS

1. CC Ordinance 2024-XXX

CITY OF RIVERBANK

ORDINANCE 2024-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY AMENDING
SECTION §119.01 THROUGH §119.23 RELATED TO MASSAGE/BODYWORK
ESTABLISHMENTS**

WHEREAS, the proposed amendments to the Riverbank Municipal Code would amend Sections of Title XI: Business Regulation, Chapter 119: Massage/Bodywork Establishments; and

WHEREAS, the amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment;

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

SECTION 1: Title XI: Business Regulation, Chapter 119: Massage/Bodywork Establishments shall be amended as follows (removed language is represented in ~~strikethrough~~ and added language is represented in underline text):

GENERAL PROVISIONS

§ 119.01 LEGISLATIVE PURPOSE.

(A) It is the purpose and intent of this chapter to provide for the orderly regulation of the massage/bodywork businesses and massage practitioners in the city and to comply with state regulations.

(1) The city recognizes massage is a viable professional field offering the public health and therapeutic services, including but not limited to, massage and bodywork therapies. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.

(2) This chapter establishes minimum standards for massage and bodywork practitioners and their business establishments so as to protect and safeguard the public health, safety and welfare.

(3) The city is authorized, by virtue of the California Constitution and Cal. Gov't Code §§ 51030 *et seq.*, to regulate massage establishments by imposing reasonable standards relative to the skill and experience of massage operators and massage practitioners and reasonable conditions on the operation of massage establishments.

(B) It is the purpose and intent of the city that massage/bodywork establishments and persons offering such services be regulated so as to ensure that such persons possess the minimum qualifications necessary to operate such businesses and to perform the services offered, and to ensure that those offering these services conduct their work in a lawful and professional manner, and comply with required building, sanitation, and health standards.

(C) There is significant risk of injury to massage clients by improperly trained and/or educated massage practitioners and this chapter provides reasonable safeguards against injury and economic loss.

(D) There is opportunity for acts of prostitution and other unlawful sexual activity to occur in massage establishments. Courts have long recognized that massage is a pervasively regulated activity and brothels might attempt to operate as massage establishments. The establishment of reasonable standards for issuance of permits and restrictions on operations would serve to reduce the risk of illegal activity without significantly burdening legitimate businesses.

(E) The restrictions and requirements contained in this chapter reduce the burdens on the Police Department and permit the deployment of police personnel such that more serious crimes may be prevented and more important laws enforced.

(F) The regulations and restrictions contained in this chapter tend to discourage massage establishments from degenerating into houses of prostitution and the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.02 DEFINITIONS.

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

~~**BONA FIDE NONPROFIT CLUB.** Any fraternal, charitable, religious, benevolent, or other nonprofit organization having a regular membership association primarily for mutual social, mental, political, and civic welfare, to which admission is limited to the members and guests, and the revenue accruing therefrom is to be used exclusively for the benevolent purposes of such organization, and which organization or agency is exempt from taxation under the internal revenue laws of the United States as a bona~~

~~file fraternal, charitable, religious, benevolent, or nonprofit organization, and in which massage or bath services are provided incidental to its primary operation.~~

CALIFORNIA MASSAGE THERAPY COUNCIL (CAMTC). The non-profit organization created to regulate the massage industry set forth in Chapter 10.5 of Division 2 of the Business and Professions Code of the state (commencing with Section 4600).

CAMTC CERTIFICATE. A current and valid certificate issued by the CAMTC to a certified massage therapist or certified massage practitioner pursuant to Section 4600 et seq. of the California Business and Professions Code.

CERTIFIED MASSAGE PRACTITIONER. Any individual certified by the CAMTC as a massage therapist or massage practitioner pursuant to Section 4600 et seq. of the California Business and Professions Code.

CERTIFIED TRANSCRIPTS. Course transcripts that are received sealed by the Police Department from a recognized school of massage or qualified massage educational program.

CITY COUNCIL. The City Council of the City of Riverbank.

CITY MANAGER. The City Manager of the City of Riverbank or his or her designated representative.

COMPENSATION. A payment, loan, advance, donation, contribution, deposit, or gift of money, or anything of value.

CONVICTION and CONVICTED. A plea or verdict of guilty or a conviction following a plea of *nolo contendere*.

EMPLOY. Includes contracting with independent contractors.

EMPLOYEE. Includes independent contractors.

HEALTH DEPARTMENT. The Stanislaus County Health Department.

HEALTH OFFICER. The person designated by the city as Health Officer, or his or her authorized representative.

MANAGER. The person(s) designated by the operator of the massage establishment to act as the representative and agent of the operator in managing day-to-day operations with the same liabilities and responsibilities. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules or purchase supplies. A manager may also be an operator. A massage practitioner permit is not required to qualify as a manager. A manager may not perform any massage services without first meeting the standards and qualifications of massage practitioner.

MASSAGE. The scientific manipulation of the soft tissues. For purposes of this chapter, the terms “massage” and “bodywork” shall have the same meaning.

MASSAGE/BODYWORK ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, partnership, association, corporation or combination thereof engages in, carries on, or permits to be engaged in or carried on, any massage/bodywork activity for compensation or any other consideration. Any establishment engaged in, carrying on, or permitting any combination of massage/bodywork and bathhouse is a **MASSAGE ESTABLISHMENT**.

MASSAGE/BODYWORK PRACTITIONER. Any person who for any consideration whatsoever engages in the practice of massage/bodywork techniques as defined in this section, unless otherwise exempted.

MASSAGE/BODYWORK TECHNIQUES. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of another human body with the use of the hands, arms, or other portions of the body, or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. **MASSAGE** should also include the giving of any baths as listed below under **PUBLIC BATHHOUSE**.

MASSAGE THERAPY ACT. Provisions in Chapter 10.5 of Division 2 of the California Business and Professions Code commencing with Section 4600.

OPERATOR. All persons who have an ownership interest in the massage establishment and are responsible for its day-to-day operations.

OUT-CALL MASSAGE SERVICE. To engage in or perform massage/bodywork for a fee or other consideration at a location other than a duly licensed massage/bodywork establishment or school of massage.

PERSON. Any individual, co-partnership, firm, association, joint-stock company, corporation, or combination of individuals of whatever form or character.

POLICE CHIEF. The Police Chief of the City of Riverbank Police Services or his or her designated representative.

POLICE DEPARTMENT. The police services of the City of Riverbank.

PUBLIC BATHHOUSE. Any place, including a private club or organization, except as otherwise provided, wherein any person, firm, association, corporation, or partnership engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, or the giving or furnishing of Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation, or electric baths, or baths of any kind whatever, including any form of body shampoo. Ordinary tub baths or showers where an attendant is not required, is excluded.

~~**QUALIFIED MASSAGE EDUCATIONAL PROGRAM.** An educational program, class, or course primarily focused on the theory, ethics, practice, profession or work of massage and meeting one of the following criteria:~~

~~—————(1) Provided by a recognized school of massage;~~

- _____ (2) ~~Approved by the California Board of Registered Nursing;~~
- _____ (3) ~~Certified by a state or national professional association devoted to the profession of massage; or~~
- _____ (4) ~~Offered by an accredited college or university.~~

~~Correspondence courses not requiring actual attendance shall not be deemed a qualified massage educational program.~~

~~**RECOGNIZED SCHOOL OF MASSAGE.** Any school or institution of learning, registered and/or credentialed with the California State Bureau of Private Post Secondary and Vocational Education, which teaches, through state-certified instructors, the theory, ethics, practice, profession, or work of massage, which school or institution complies with Cal. Education Code §§ 94900 or 94901, and which requires a resident course of study before the student shall be furnished with a diploma or certificate of graduation. Schools offering a correspondence course not requiring actual attendance shall not be deemed a recognized school.~~

REFLEXOLOGY. An integrative health practice that maps a reflection of the body predominantly on the feet, hands and outer ears. It uses unique manual techniques to deliver pressure to neural pathways assisting the body to function optimally.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

APPLICATIONS AND PERMITS

§ 119.03 PERMIT REQUIRED.

(A) It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a massage establishment, as defined in this chapter, without first having obtained a permit from the city after approval by the Police Chief and requisite city officers.

(B) It is unlawful for any person to act as a massage/bodywork practitioner, instructor or trainee, or to take any other position of employment with a massage establishment or school of massage, without possessing a City business license, a valid CAMTC certificate obtained, and maintained in compliance with the Massage Therapy Act, and a permit issued by the Police Chief in accordance with this section.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.04 CERTIFICATION REQUIRED

It is unlawful for any person to perform or engage in the practice of massage for compensation within the city without possessing a valid CAMTC certificate obtained and maintained in compliance with the Massage Therapy Act, and a permit issued by the Police Chief in accordance with this section. All persons certified by the CAMTC shall have the right to perform or engage in the practice of massage consistent with the

Massage Therapy Act, the qualifications established by his or her certification, and the provisions of this chapter.

Persons that are granted an exemption from the CAMTC certification requirement by the city will still be required to meet all other terms of this chapter including but not limited to the background check required of massage establishment owners that are not certified by the CAMTC. All persons under this exemption will be required to display, in the same manner this chapter requires the display of CAMTC certification, a separate statement from the city to show that the person has met the requirements of this exemption. This exemption must be renewed annually and the city may establish a non-refundable fee to recover costs associated with such annual renewals.

§ 119.05 BUSINESS LICENSE REQUIRED

(A) It shall be unlawful for any massage establishment to operate, or any independently employed certified massage practitioner or therapist to perform or engage in the practice of massage for compensation within the city, without first obtaining a city business license;

(B) In applying for a city business license, a massage establishment owner shall fill out an application and shall file along with the completed application a copy of the current and valid CAMTC certificate and a CAMTC photo identification card possessed by every person who will be performing or engaging in the practice of massage at the massage establishment;

(C) In applying for a city business license, a certified massage practitioner or therapist who will be independently employed shall fill out an application and shall file along with the completed application a copy of his or her current and valid CAMTC certificate and a CAMTC photo identification card;

(D) Prior to the issuance of a city business license to any massage establishment or any independently employed certified massage practitioner or certified massage therapist, the police department shall make a reasonable investigation into the information provided in the application, and shall contact the CAMTC to verify the status of the CAMTC certificate(s) filed by the business license applicant;

(E) No city business license shall be issued to a massage establishment that will employ or contract with one or more persons to perform or engage in the practice of massage without that person or persons possessing a current and valid CAMTC certificate;

(F) No city business license shall be issued to a person who wishes to perform or engage in the practice of massage for compensation within the city and who does not possess a current and valid CAMTC certificate

(G) The city may deny a business license to any applicant who has provided materially false information in applying for a business license; and

(H) The chief of police may order that a business license required by this chapter be revoked pursuant to the procedures set forth in §110.26.

§ 119.06 FEES.

The City Council shall establish by resolution, and from time to time may amend the fees for the administration of this chapter. The city may include in this resolution a health services fee schedule prescribing annual fees to be paid by the operator of each massage establishment, such fees to be paid directly to the Health Department and retained by the county as reimbursement for the services related to this chapter. Fees required by this chapter shall be in addition to any required by this code.

(Ord. 2008-004, passed 3-10-08)

§ 119.07 APPLICATION FOR OPERATOR PERMIT.

(A) Any person seeking an operator permit for a massage establishment shall file a written application on the required form with the Police Chief and submit all required documentation. The application shall be accompanied by the appropriate nonrefundable filing fee established by resolution of the City Council. The application shall be completed and signed by the operator, or authorized representative thereof, of the proposed massage establishment. The permit application does not authorize the operation of a massage establishment unless and until such permit has been properly granted. The application shall contain or be accompanied by the following information:

(1) The type of ownership of the business. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the names and residential addresses of each of its current officers and directors, and of each stockholder holding more than 5% of the stock of that corporation. If the applicant is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If it is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this division (1) pertaining to corporations shall apply. A corporate or partnership applicant shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required for an individual applicant under this chapter, but only one application fee shall be charged.

(2) The precise name under which the massage establishment is to be conducted.

(3) The complete address and all telephone numbers of the massage establishment.

(4) A complete and current list of the names and residential addresses of all proposed massage practitioners and employees in the massage establishment and the name and residential addresses of the manager(s) proposed to be principally in charge of the operation of the massage establishment.

(5) The proposed hours of operation of the massage establishment.

(6) A description of any other business operated on the same premises or within the city or the state which is owned or operated by the applicant.

(7) For each person who will be providing massage therapy, a copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card. For each owner who is a CAMTC certified massage professional, a copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card.

(8) The following personal information concerning the operator applicant:

(a) Current address and telephone number and all previous residential addresses for the eight-years preceding the date of the application;

(b) Acceptable proof that the applicant is at least 18 years of age;

(c) Copies of driver's license and Social Security card;

(d) Height, weight, color of hair and eyes, and gender;

(e) Two current "passport" photographs of the applicant, each not exceeding four square inches in size, and being only front views of the face and head;

(f) The applicant's complete business, occupation and employment history for the eight years preceding the date of the application, including, but not limited to, massage or similar business history and experience of the applicant;

(g) The complete massage permit history of the applicant; whether such person has ever held any certification, permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a certification, permit or license; and whether the certification, permit or license was denied, revoked, or suspended, and the reasons therefore;

(h) All criminal convictions, including pleas of *nolo contendere*, within the last eight years, including those dismissed or expunged pursuant to Cal. Penal Code § 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and explanation thereof;

(i) A complete set of livescan as directed by the Police Department.

(9) The name and address of the owner and lessor of the real property upon which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property.

(10) Authorization for the city, its agents and employees to seek verification of the information contained in the application.

(11) Such other identification and information as the Police Chief may reasonably require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

(12) A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.

(13) Statements in writing and dated by the applicant and the applicant's designated manager(s) certifying under penalty of perjury that they:

(a) Will only employ or retain CAMTC certified massage professionals, and failure to comply may result in the suspension or revocation of the massage establishment permit;

(b) Have received a copy of this chapter;

(c) Understand its contents; and

(d) Understand the duties of an operator or manager, respectively, as provided by this chapter.

(B) If operator is also going to be a massage practitioner, then all requirements and additional applicable fees, as adopted by city resolution, also must be met and paid prior to the issuance of a permit.

(C) If, during the term of a permit, the permit holder has any change in information submitted on the original or renewal application, the permit holder shall notify the Police Department of such change in writing within ten business days thereafter.

(Ord. 2008-004, passed 3-10-08)

§ 119.08 OPERATOR PERMIT ISSUANCE AND DENIAL.

(A) Upon receipt of a complete permit application, the Police Chief shall conduct an investigation to ascertain whether such permit should be issued as requested. The Police Chief shall, within 60 days of receipt of an application, approve, conditionally approve or deny the application. The 60-day period may be extended for up to 30 additional days, if necessary, to complete the investigation. The Police Chief shall issue such permit as requested, unless he or she makes any of the following findings:

(1) The applicant, or any officers, directors, or partners, or any person directly engaged or employed in the massage establishment, has within the eight-years preceding the date of the application:

(a) Been convicted of a violation of Cal. Penal Code §§ 266, 266a, 266b, 266d, 266e, 266f, 266g, 266h, 266i, 314, 315, 316, 318, 647(a), (b), or (d), or any other provision of law pursuant to which a person is required to register under the provisions of Cal. Penal Code § 290 or when the prosecution accepted a plea of guilty or *nolo contendere* to a charge of a violation of Cal. Penal Code § 415 or any

lesser included or lesser related offense in satisfaction of, or as a substitute of, any of the previously listed crimes;

(b) Been convicted of a violation of Cal. Health and Safety Code § 11550 or any offense involving the illegal sale, distribution, or possession of a controlled substance specified in Cal. Health and Safety Code §§ 11054, 11055, 11056, 11057, or 11058;

(c) Been convicted of any offense in any other state which is the equivalent of any of the above-mentioned offenses;

(d) Been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Cal. Penal Code § 11225 *et seq.*, or any similar provisions of law in a jurisdiction outside the State of California;

(e) Been convicted of an act involving dishonesty, fraud, deceit, or moral turpitude, or an act of violence, which act or acts are related to the qualifications, functions, or duties of an operator;

(f) Has had an operator or massage technician permit or other similar certification, permit or license denied, suspended or revoked for cause by a licensing authority or by any city, county or state.

(2) The applicant has made a false, misleading, or fraudulent statement or omission of fact to the city in the permit application process.

(3) The application does not contain all of the information required by § 119.09.

(4) The massage establishment, as proposed by the applicant, does not comply with all applicable laws, including, but not limited to, health, zoning, fire, and safety requirements and standards.

(5) The applicant has not satisfied the requirements of this chapter in the time specified.

(6) Any individual offering or performing Massage at or on behalf of a Massage Business is not in possession of valid CAMTC certificate.

(7) If the application is denied for failure to comply with division (A)(2) or (3) of this section, the applicant may not reapply for a period of six months from the date the application was denied.

(B) All operators and managers shall comply with the following conditions to the operator permit and any other reasonable conditions imposed by the Police Chief:

(1) *Prohibited massage areas.* Except to the extent required, in writing, by a state-licensed medical practitioner, no massage practitioner shall massage the genitals or anal area of any patron or the breast(s) of any female patron, nor shall any operator or manager of a massage establishment allow or permit such massage pursuant to Cal. Business and Professions Code § 4609. No operator or manager, while performing any task or service associated with the massage establishment, shall be

present in any room with another person unless the person's genitals, gluteal crease, anus or, in the case of a female patron, breast(s), are fully covered.

(2) *Names.* No operator granted a permit pursuant to this section shall use any name or conduct business under any designation not specified in his or her permit.

(3) *Manager on premises.* The massage establishment shall have a manager on the premises at all times during hours of operation. The operator(s) shall file a statement with the Police Chief designating the person with power to act as a manager. The operator shall also file with the Police Chief a statement, signed and dated by each manager designated after permit issuance, certifying under penalty of perjury that they:

- (a) Have received a copy of this chapter;
- (b) Understand its contents; and
- (c) Understand the duties of a manager as provided in this chapter.

(4) *Licensed massage practitioner on premises.* During the hours of operation, the massage establishment shall have at least one massage practitioner holding a current valid certificate issued by the CAMTC on the premises and on duty at all times.

(5) *Operator/manager responsibility.* The operator and on-duty manager shall be responsible for the conduct of all employees while the employees are on the licensed premises. An act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator permit shall be revoked, suspended, denied, or renewed.

(6) *Certified massage practitioners.* The operator or manager shall not employ any person as a massage practitioner who does not have a valid CAMTC certificate. The operator shall report to the Police Chief any change of employees, whether by new or renewed employment, discharge or termination, on the form and in the manner required by the Police Chief. The report shall contain the name of the employee and the date of hire or termination. The report shall be made within five days of the date of hire or termination. The operator shall deliver the permit and photo identification card of any massage practitioner no longer employed by the operator to the Police Chief within five days of employment termination.

(7) *Insurance.* No person shall engage in, conduct, or carry on the business of a massage establishment unless there is on file with the Police Chief, in full force and effect at all times, documents issued by an insurance company authorized to do business in the state evidencing that the operator is insured under a liability insurance policy providing minimum coverage of \$500,000 for injury or death arising out of the operation of the massage establishment and/or the administration of a massage.

Each operator shall provide the Police Chief with evidence of insurance within 45 days prior to the date of issuance of the permit.

(8) *Compliance with code.* The operator shall comply with all provisions of this chapter and any applicable provisions of the Riverbank Municipal Code.

(9) *Inspections and searches.* By applying for a permit, the operator consents to the inspection of the massage establishment by the city's Building Department, Police Department, Fire Department, and Health Department for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met. The operator consents to the inspection of the occupied massage rooms by the Police Department for the purpose of determining that the provisions of this chapter are met upon occurrence of any of the conditions described in § 119.14(B)(17) which would require the posting of the notice to all patrons.

(Ord. 2008-004, passed 3-10-08)

§ 119.09 APPLICATION FOR MASSAGE PRACTITIONER/EMPLOYEE.

(A) Any person seeking a massage practitioner permit shall file a written application on the required form with the Chief of Police. The application shall be accompanied by the appropriate non-refundable filing fee established by resolution of the City Council. The application shall be accompanied by the required supporting documentation. The application shall contain the following information:

(1) A statement of the exact location at which the applicant will be working as a massage practitioner, including the full street address and all telephone numbers associated with the location.

(2) The following personal information of the practitioner applicant:

- (a) Full complete name and all aliases used by the applicant;
- (b) Current address and telephone number and all previous residential addresses for the eight years preceding the date of the application;
- (c) Acceptable written proof that the applicant is at least 18 years of age;
- (d) Driver's license and Social Security card;
- (e) Height, weight, color of hair and eyes, and gender;
- (f) Two current "passport" photographs of the applicant, each not exceeding four square inches in size, and being only front views of the face and head;
- (g) The applicant's business, occupation and employment history of the applicant for the eight years immediately preceding the date of the application, including, but not limited to, massage or similar business history and experience of the applicant;

(h) The complete massage permit history of the applicant: whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license; and whether the permit or license was denied, revoked or suspended, and the reasons therefore.

(3) All criminal convictions, including pleas of *nolo contendere*, within the last eight years, including those dismissed or expunged pursuant to Cal. Penal Code § 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and explanation thereof.

(4) A complete set of livescan as directed by the Police Department.

(5) Authorization for the city, its agents and employees to seek verification of the information contained in the application.

(6) Such other identification and information as the Police Chief may reasonably require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

(7) A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.

(8) Statements in writing and dated by the applicant certifying under penalty of perjury that he or she:

(a) Has received a copy of this chapter;

(b) Understands its contents; and,

(c) Understands the duties of a massage practitioner as provided in this chapter.

(9) For each person who will be providing massage therapy, a copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card. For each owner who is a CAMTC certified massage professional, a copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card.

~~(a) The Police Chief may consider an applicant's study of massage completed outside of the state if proof of completion from a formalized course of study massage practice, anatomy, and/or physiology is provided with the application. Proof of completion shall include dates of study and the name, address, and phone number of the school attended, the original diploma or certificate, and certified transcripts of graduation.~~

~~(b) Any out of state course of study submitted for approval shall meet the State of California's Office of Post-Secondary Education's minimum requirements and be for completion of 500 hours of on-premises training.~~

(B) If, during the term of a permit, a permit holder has any change in information submitted on the original or renewal application, the permit holder shall notify the Police Department of such change in writing within ten business days thereafter.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.10 MESSAGE PRACTITIONER PERMIT ISSUANCE AND DENIAL.

(A) Upon receipt of a complete permit application, the Police Chief shall conduct an investigation to ascertain whether such permit should be issued as requested. The Police Chief shall approve, conditionally approve, or deny the application within 60 days of the filing of an application. The 60-day period may be continued for up to 30 additional days, if necessary, to complete the inspection. The Police Chief shall issue such permit as requested, unless he or she makes any of the following findings:

(1) The applicant has, within eight years preceding the date of the application, been convicted of any of the following:

(a) A violation of Cal. Penal Code §§ 266, 266a, 266b, 266d, 266e, 266f, 266g, 266h, 266i, 314, 315, 316, 318, 647(a), (b), or (d) or that the applicant is required to register under the provisions of Cal. Penal Code § 290 or when the prosecution accepted a plea of guilty or *nolo contendere* to a charge of a violation of Cal. Penal Code § 415 or any lesser included or lesser related offense in satisfaction of, or as a substitute for, any of the previously listed crimes;

(b) A violation of Cal. Health and Safety Code § 11550 or any offense involving the illegal sale, distribution, or possession of a controlled substance specified in Cal. Health and Safety Code §§ 11054, 11055, 11056, 11057 or 11058;

(c) Any offense in any other state which is the equivalent of any of the above-mentioned offenses; or

(d) An act involving dishonesty, fraud, deceit, or moral turpitude, or an act of violence, which act or acts are substantially related to the qualifications, functions, or duties of a massage practitioner.

(2) The applicant has had an operator permit or massage practitioner permit or other similar license or permit denied, suspended, or revoked for cause by a licensing authority or by any city, county or state within eight years prior to the date of the application.

(3) The applicant has knowingly made a false, misleading or fraudulent statement or omission of fact to the city in the permit application process.

(4) The application does not contain the information required by § 119.07.

(5) The applicant has not satisfied the requirements of this chapter in the time specified.

(6) If the application is denied for failure to comply with divisions (A)(3) or (4) of this section, the applicant may not reapply for a period of six months from the date the application was denied.

(B) All massage practitioners shall comply with the following conditions and any other reasonable conditions specified by the Police Chief on issuance of the massage practitioner permit.

(1) *Prohibited massage areas.* Except to the extent required, in writing, by a state-licensed medical practitioner, no massage practitioner shall massage the genitals or anal area of any patron or the breast(s) of any female patron.

(2) *Covering.* No massage practitioner shall massage any patron unless the person's genitals, gluteal crease, anus and, in the case of a female patron, breast(s), are fully covered at all times while the practitioner is present in the same room as the patron.

(3) *Identification cards.* The massage practitioner shall wear a photo identification card prepared and issued by the city at all times when present in the massage establishment. Such identification shall be provided to city regulatory officials upon demand. The identification card shall be placed on outer clothing with the photo side facing out. If a massage practitioner changes his or her business address, he or she shall, prior to such change, obtain from the Police Chief a new photo identification card and advise the Police Department, in writing, of the new business address.

(4) *Massage locations.* Massage practitioner shall not perform any massage at any location other than the massage establishment specified on the permit.

(5) *Names.* While on duty, the massage practitioner shall not use any name other than that specified on the photo identification card.

(6) *Clothing.* The massage practitioner shall be fully clothed at all times. Clothing shall be of a fully opaque, non-transparent material and provide complete covering of the genitals, pubic area, buttocks, anal area, and chest.

(7) *Inspections and searches.* The massage practitioner consents to the inspection of the massage establishment by the city's Building Department, Police Department, Fire Department, and Health Department for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met. The massage practitioner consents to the inspection of the occupied massage rooms by the Police Department for the purpose of determining that the provisions of this chapter are met upon occurrence of any of the conditions described in § 119.14(B)(17) which would require the posting of the notice to all patrons.

(8) *Continuing education.* On an annual basis, the massage practitioner shall complete no fewer than 12 hours of continuing education in the practice of massage from a qualified massage educational program.

(Ord. 2008-004, passed 3-10-08)

§ 119.11 APPLICATION/OPERATION SCHOOL OF MASSAGE.

Every application for a school of massage shall be accompanied by:

(A) Proof of approval from the CAMTC, pursuant to California Business and Professions Code Section 4600 et seq.;

(B) Proof of approval pursuant to Cal. Education Code §§ 94900 or 94901;

(C) A statement of the educational and experience qualifications, and the names and residence addresses of all directors, administrators, and instructors;

(D) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness and absence grading policy, and rules of operation and conduct;

(E) A school of massage permit shall not be issued for the same location as a massage/bodywork establishment.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

~~§ 119.10 APPLICATION, HEALTH CERTIFICATE.~~

~~—Every application filed by a person shall be accompanied by a certificate, from a physician licensed to practice medicine in the state that the applicant has been tested within the previous 30 days in a manner to be approved by the Health Officer, and has been found to be free of all contagious, infectious, and communicable disease.~~

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.12 VERIFICATION.

Every application for a permit under this chapter shall be verified by affidavit, declaration, or certification under penalty of perjury as provided in the California Code of Civil Procedure.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.13 REFERRAL TO OTHER DEPARTMENTS.

(A) Copies of an application for a massage establishment or school of massage permit shall be referred to the Building Inspector, the Fire Marshal, the Health Officer and the Police Chief, who shall review facility plans and inspect the premises proposed to be operated as a massage establishment.

(B) All other applications shall be referred to the Health Officer and the Police Chief for their approval or written recommendations.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

REQUIREMENTS AND RESTRICTIONS

§ 119.14 MASSAGE ESTABLISHMENT, GENERALLY.

(A) *Facilities.*

(1) *Structure.* Massage establishments shall be located in a zoning district which permits such use. Prior to a proposed massage establishment being constructed or opened for business, seven sets of plans shall be submitted to the city and the Health Department for approval and shall be accompanied by the appropriate non-refundable facility review plan fee as adopted by city resolution.

(2) *Signs; display of permits.* Each operator shall post and maintain, in compliance with existing state and city laws, a readable sign identifying the premises as a massage establishment. The sign and the front of the business shall not be illuminated by strobe or flashing lights. Each operator and/or on-duty manager shall display the operator permit in a conspicuous public place in the lobby of the massage establishment. Each operator and/or on-duty manager shall ensure the CAMTC certificate for each massage practitioner employed at the establishment (whether on duty or not) is conspicuously displayed in a public place in the lobby, and that each massage practitioner is wearing the required identification at all times wherein the massage establishment. The operator and/or on-duty manager must also post, on a daily basis in a conspicuous public place in the lobby, the name of the operator and on-duty manager, as well as all on-duty massage practitioners. Finally, the hours of operation must be posted in the front window and clearly visible from the outside.

(3) *Services list.* Each operator shall post and maintain a list of available services, in bold letters not less than one inch in height, and the cost of such services in a conspicuous public place within the premises. No massage establishment may offer baths as a service. No operator or on-duty manager shall permit, and no massage practitioner shall offer or perform, any service or activity other than those posted. No sum shall be charged for such massage services greater than that shown on the services list.

(4) *Lighting.* Each operator shall provide in each room where massage is given sufficient lighting and ventilation that complies with the Uniform Building Code. The lighting in each massage room shall be activated at all times while the patron is in such room or enclosure.

(5) *Restroom facilities.* A minimum of one toilet and one separate wash basin shall be provided for patrons in each massage establishment, which basin shall provide soap or detergent and hot running water at all times and shall be located within close proximity to the area devoted to massage services. A permanently installed soap dispenser, filled with soap, and a single service towel dispenser shall be provided at the restroom hand wash sink. No bar soap may be used. A trash receptacle shall be provided in each toilet room. Showers may be provided at the operator's option.

(6) *Separate rooms.* If male and female patrons are to be treated simultaneously, separate massage rooms shall be provided for male and female patrons.

(7) *Maintenance.* All facilities for the massage establishment must be in good repair and shall be thoroughly cleaned and sanitized each day the business is in operation. All walls, floors, and ceilings of each restroom and shower area shall be made smooth and easily cleanable. No carpeting shall be installed in any of these areas.

(8) *Massage table.* A massage table shall be provided in each massage room and the massage shall be performed on this massage table, with the exception of "Thai," "shiatsu," and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully attired in loose clothing, pajamas, scrubs, or similar style of garment. The tables should have a minimum height of 18 inches. Two-inch thick foam pads with maximum width of four feet may be used on a massage table and shall be covered with durable, washable plastic or other waterproof material. Beds, floor mattresses, and waterbeds are not permitted on the premises.

(9) *Handicapped areas.* Massage establishments shall comply with all state and federal laws and regulations for handicapped customers.

(10) *Doors.* All front, reception, hallway, or front exterior doors (except back or exterior doors used solely for employee entrance to and exit from the massage establishment) shall be unlocked during business hours, except as may be permitted by applicable law (such as the Uniform Fire Code) which allow for safety doors which may be opened from the inside when locked. Massage establishment may lock its external doors if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors pursuant to Gov. Code 51034 (c)(6). No massage may be given within any cubicle, room, enclosure, or any area within a massage establishment which is fitted with a lock of any kind (such as a locking door knob, padlock, dead bolt, sliding bar, or similar device), unless the only door is an exterior door. All interior doors leading into massage rooms shall have unobstructed windows.

(B) *Operations.*

(1) *Equipment.* Each operator and/or on-duty manager shall provide and maintain on the premises adequate equipment for disinfecting and sterilizing instruments used in massage.

(2) *Inspections.* The operator and/or on-duty manager consents to the inspection of the massage establishment by the city's Building Department, Police Department, and the Fire Department and Health Department for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are met.

(a) The city's Building Department, Police Department, Fire Department, and Health Department may, from time to time, make an inspection of each massage establishment for the purpose of determining that the provisions of this chapter, state law or other applicable laws or regulations are met. Routine inspections shall not occur more than ~~twice~~ six times a year, unless violations are found or complaints are received. Criminal investigations may be conducted as directed by the Police Chief. The Police Department may inspect the occupied massage rooms for the purpose of determining that the provisions of this chapter are met upon occurrence of any of the conditions described in division (B)(17) of this section which would require the posting of the notice to all patrons. During an inspection, the Police Department may verify the identity of all on-duty employees.

(b) Inspections of the massage establishment shall be conducted during business hours.

(c) An operator or his or her agent, servant, or employee commits an offense if he or she refuses to permit, impedes, or interferes with a lawful inspection of the premises by a representative of the Police Department at any time it is occupied or open for business.

(3) *Clothing.* All persons employed in the massage establishment shall be fully clothed at all times while present at the massage establishment. Clothing shall be of a fully opaque, non-transparent material and shall provide complete covering of the genitals, pubic area, buttocks, anal area, and chest.

(4) *Roster of employees.* The operator and/or on-duty manager shall maintain a register of all employees showing the full legal name, nicknames, and aliases used by the employee, residential address, age, birth date, gender, height, weight, color of hair and eyes, phone numbers, date of employment and termination, if any, and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of two years following termination. Operators shall maintain a register of all therapists for review by local authorities that demonstrates all therapists providing massage services are CAMTC certified. The operator and/or on-duty manager shall make the register of employees available immediately for inspection upon demand of representatives of the Police Department, City Code Enforcement, or County Health Officer at all reasonable times.

(5) *Linen.* Common use of towels or linen shall not be permitted. Towels and linen shall be laundered or changed promptly after each use. Separate cabinets or containers shall be provided for the storage of clean and soiled towels or linen.

(6) *Living prohibited.* No person or persons shall be allowed to live inside the massage establishment at any time. All living quarters shall be separate from the massage establishment. No food of any kind shall be prepared for sale or sold in the establishment unless an appropriate food vending permit is granted by the County of Stanislaus. No mattresses or other bedding are allowed in the massage establishment or school of massage.

(7) *Sleeping prohibited.* No massage establishment or school of massage, whether or not located in any building originally constructed for residential or sleeping purposes, shall be used for residential or sleeping purposes.

(8) *Alcoholic beverages/drugs.* No person shall enter, be in or remain in any part of a massage establishment licensed under this chapter while in possession of, consuming, using or under the influence of any alcoholic beverage or controlled substance. The operator and on-duty manager shall be responsible to ensure that no such person shall enter or remain upon the massage establishment. Service of alcoholic beverages shall not be permitted.

(9) *Recordings.* No electrical, mechanical or artificial device shall be used by the operator or any employee of the massage establishment for audio and/or video

recording or for monitoring the performance of a massage or the conversation or other sounds in the massage rooms without the knowledge or consent of the patron and the written permission of the Police Department.

(10) *Coverings.* Each massage establishment shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patrons specified anatomical areas, including the genital area, anus and female breast(s). No common use of such coverings shall be permitted, and re-use is prohibited unless adequately cleaned.

(11) *Records or treatment.* The operator shall keep a record of the dates and hours of each treatment or service, the first and last name and address of the patron, the name of practitioner administering such service and a description of the treatment or service rendered. A short medical history form shall be completed by the patron to determine if the patron has any communicable diseases, areas of pain, high blood pressure or any physical condition which may be adversely affected by massage. These records shall be prepared prior to administering any massage or treatment and shall be retained for a period of 24 months after such treatment or service. These records shall be open to inspection upon demand only by officials charged with enforcement of this chapter and for no other purpose. The Police Department shall periodically inspect the records to ensure compliance with this section. The information furnished or secured as a result of any such records should be used only to ensure and enforce compliance with this chapter or any other applicable state or federal laws and shall remain confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor.

(12) *Advertising.* No massage establishment shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body or employs text that would reasonably suggest to prospective patrons that any service is available other than those services authorized by this chapter. No massage establishment shall place, publish or distribute, or cause to be placed, published or distributed, any obscene advertising matter. It shall be unlawful to falsely state or advertise, or put out any sign or card or other device, or falsely represent to the public through any print or electronic media, that any person who is employed or retained to perform massage therapy for compensation is a CAMTC certified massage professional by use of the title "licensed," "certified," certified massage practitioner (CMP) or certified massage therapist (CMT), or the use of any other term that implies or suggests that the person is currently a CAMTC certified massage professional. It shall be unlawful to fail to include the legal name under which any massage professional is certified and his or her CAMTC certificate number in any advertising of massage therapy for compensation. For the purposes of this section, pseudonyms are not sufficient. It shall be unlawful to publish or distribute any advertising matter or business identification card through any print or electronic media that are classified as for adults only or similar classification. It shall be unlawful to publish or distribute any advertising matter or business identification card that is sexually suggestive or that would reasonably suggest that any service is available other than a massage as defined in this chapter.

(13) *Access.* No person(s) other than CAMTC certificate holders, permitted operators under this chapter and customers will be allowed anywhere in the massage establishment other than the lobby/reception area during hours of operation. Entry doors to any room shall not be obstructed by any means.

(14) *Sexual paraphernalia.* Instruments, devices or paraphernalia that are designed for use in connection with sexual activities, including, but not limited to, condoms, shall not be permitted within a massage establishment.

(15) *Compliance.* Massage establishments shall comply with all applicable provisions of the Riverbank Municipal Code and Cal. Business and Professions Code § 4600 et sq.

(16) *Discrimination.* No massage establishment may discriminate or exclude patrons on the basis of their race, sex, religion, age, handicap, or any other classification protected under federal or state laws, rules or regulations.

(17) *Notices.* The Police Chief may require the notice below be posted in all massage rooms on premise to ensure patrons are aware of the possibility of an inspection, in the event that any employee of the massage establishment or any person who has been aided and abetted by an employee of the massage establishment has been found, after full hearing by administrative proceeding or state court, to have violated any of the offenses listed in §§ 119.08 and 119.10.

NOTICE TO ALL PATRONS

THIS MESSAGE ESTABLISHMENT AND THE MESSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY THE RIVERBANK POLICE SERVICES WITHOUT PRIOR NOTICE.

(a) The notice set forth above shall be prepared and issued by the Police Chief.

(b) The notices shall be conspicuously posted in a location within the massage establishment that are easily visible to any person entering the premises and in each massage room. The notice shall be so posted for 12 months following the violation of any of the offenses set forth above.

(c) The requirement for posting the notice described in this division (17) is cumulative and in addition to all other remedies, violations and penalties set forth in this chapter or in the ordinances, laws, rules or regulations of the city, County of Stanislaus, and the State of California.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.15 MESSAGE ESTABLISHMENT HOURS.

No person shall conduct or operate a massage establishment or service between the hours of 8:00 p.m. and 8:00 a.m.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.16 CHANGES OF BUSINESS.

(A) Every massage establishment operator shall report immediately to the Police Department any and all changes of ownership or management of the massage establishment or business, including, but not limited to, changes of manager or other person principally in charge, stockholders holding more than 5% of the stock of the corporation, officers, directors and partners, any and all changes of name, style or designation under which the business is to be conducted and all changes of address or telephone numbers of the massage business. A change of location of any of the premises may be approved by the Police Chief, provided there is compliance with all applicable regulations of the city.

(B) No massage practitioner permit or operator permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void.

(C) If the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the Police Chief, shall be placed in the name of the surviving partners.

(D) Upon the death or incapacity of a permittee, the massage establishment may continue in business for a reasonable period of time, not to exceed 30 days, to allow for an orderly application of a new permit.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.17 TRANSFER AND RENEWAL OF PERMITS.

(A) No permit issued hereunder shall be transferable to any other person or establishment; provided, however, an additional location or change of location of a massage practitioner permit will be allowed upon prior written notice to the Police Chief and payment of the appropriate transfer fee.

(B) Renewal applications shall include such information as may be required by the Police Chief to update the information contained in the original permit application. ~~For renewal of massage practitioners permits, the permittee shall produce evidence of satisfaction of the continuing education requirement as provided by § 119.10(B)(8).~~ The applicant shall accompany the application for renewal with the appropriate filing fee.

(C) Permits for operators and employees shall be renewed on a year-to-year basis, provided, that the permittee continues to meet the requirements set out in this chapter.

(D) Applications for permit renewal shall be filed with the Police Chief before the expiration of the existing permit. Temporary permits will not be issued and renewal applications must be filed no later than 60 days prior to the expiration of the permit to prevent a lapse of the permit.

(Ord. 2008-004, passed 3-10-08)

§ 119.18 EXEMPTIONS.

(A) The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to any persons designated as follows: state-licensed physicians, surgeons, chiropractors, physical therapists, osteopaths, or any registered or licensed vocational nurse working on the premises of, and under the direct supervision of, a state-licensed physician, surgeon, chiropractor, or osteopath. Practical nurses or other persons without qualifications as massage practitioners whether employed by physicians, surgeons, chiropractors, or osteopaths or not, may not give massage or massage procedures.

(B) Students enrolled at a recognized school of massage; provided that such students perform massage therapy only under the direct personal supervision of an instructor who holds a valid CAMTC certificate as part of the curriculum.

(C) Commencing on the effective date of this chapter, all permits shall be issued in accordance with the provisions of this chapter.

(D) An applicant for a reflexology exemption from this chapter that does not hold themselves out to be a massage therapist, or do massage, massage therapy, or other bodywork practices where licensing is required, shall present evidence of the following minimum qualifications to the Chief of Police:

- (1) Each applicant must be an individual, individually licensed and insured;
- (2) Be 18 years of age or older;
- (3) Provide a copy of a certificate of attendance from a reflexology program that meets industry standards of 100 hours of education taught by an educator recognized by the National Council for Reflexology Educators (NCRE) as a national board-certified reflexology educator; or
- (4) Evidence of satisfactory passage of the American Reflexology Certification Board (ARCB) examination or another psychometrically valid reflexology exam; or
- (5) Evidence of membership in good standing in the California state professional association—The Reflexology Association of California or its successor—that requires its members adhere to a code of ethics;
- (6) Possession of practitioner liability insurance coverage in the minimum amount of one million dollars (\$1,000,000.00);
- (7) Provide a passport size photo I.D. with the application;

- (8) If an applicant is not a United States citizen, provide evidence of legal presence and employability in the United States.
- (9) Provides background check and Live Scan finger printing; and
- (10) Meets all appropriate zoning ordinances when conducting a home-based business.

(E) Existing operator and massage practitioner permits shall continue in effect until expiration. All existing permit holders shall have an additional 24-months from the effective date of this chapter to meet and comply with the 500-hour training requirement.

~~_____ (E) A bona fide nonprofit club or organization or its employees shall be required to obtain a permit, and must conform to all applicable city building, health, fire, and zoning laws and regulations.~~

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.19 SUSPENSION, REVOCATION, DENIAL AND APPEAL.

(A) *Violation and noncompliance.* The Police Chief may refuse to renew a permit or may revoke or suspend an existing permit on the grounds that the permit holder has failed to comply with the permit conditions or other requirements of this chapter. If a suspended permit lapses during the suspension period, a new application must be filed at the end of the suspension period. In any such case, the permit holder shall have the right to appeal in the time and manner set forth in this section.

(B) *Revocation and suspension of operator permit.*

(1) The Police Chief may revoke or refuse to renew a permit if he or she makes any of the findings for denial of a permit under § 119.08(A), finds violation(s) of § 119.08(B)(1) or (B)(6), upon any subsequent violation of any provision within one year following prior suspension under division (B)(2) of this section or upon demonstrated inability to operate or manage the massage establishment in a law-abiding manner, thus necessitating action by law enforcement officers.

(2) The Police Chief may suspend a permit for a period of 30 days for each violation of § 119.08(B) not listed above, or § 119.15.

(C) *Revocation and suspension of massage practitioner permit.*

(1) The Police Chief may revoke or refuse to renew a massage practitioner permit if he or she makes any of the findings for denial of a permit under § 119.10(A), finds violation(s) of § 119.10(B)(1), (B)(2), or (B)(6), or upon any subsequent violation of any provision of this chapter within one year following a suspension under division (C)(2) of this section;

(2) The Police Chief may suspend a massage practitioner permit for a period of 30 days for each violation of § 119.10(B) not listed above, or § 119.15.

(D) *Notice.* When the Police Chief concludes that grounds for denial, suspension, revocation or refusal to renew a permit exist, he or she shall serve the applicant or permit holder, either personally or by certified mail addressed to the

business or residential address of applicant or permit holder, with a notice of denial or notice of intent to suspend, revoke or refuse to renew permit. This notice shall state the reasons for the proposed action, the effective date of the decision, and the right of the applicant or permit holder to appeal the decision to the City Council, and that the decision will be final if no appeal is filed within the time permitted.

(E) *Appeal.*

(1) The right to appeal shall terminate upon the expiration of 15 days from the date of mailing of the notice. The notice of appeal shall be filed with the Police Department, along with the payment of any hearing fee which may be established by City Council resolution. Any hearing fee shall not exceed the reasonable cost to the city of a hearing.

(2) In the event an appeal is timely filed, the suspension or revocation shall not be effective until a final decision has been rendered. If no appeal is filed, the suspension or revocation shall become effective upon expiration of the period for filing appeals.

(3) The City Manager shall appoint a neutral hearing officer in consultation with the appellant to conduct the hearing, receive relevant evidence and render a decision. The decision of the hearing officer shall be final. The appellant shall be entitled to notice of the basis for the proposed action, a copy of the documents upon which the decision was based and the opportunity to present contrary evidence at the hearing.

(4) Notice of the date, time and place of the hearing shall be mailed at least ten days prior to the date of the hearing, by U.S. mail, with proof of service attached, to the address listed on the application, or the address given in the notice of appeal, if different.

(5) The following rules and evidence shall apply:

(a) Oral evidence shall be taken only under oath or affirmation. The hearing officer shall have authority to administer oaths and to receive and rule on admissibility of evidence;

(b) Each party shall have the right to call and examine witnesses, introduce exhibits and cross-examine opposing witnesses who have testified under direct examination. The hearing officer may call and examine any witness;

(c) Technical rules relating to evidence and witnesses shall not apply to hearings provided for in this chapter. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be admissible and used for the purpose of supplementing or explaining any evidence given in direct examination, but shall not be sufficient in itself to support a finding unless the testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent they are now or are

hereafter permitted in civil actions. Irrelevant collateral and undue and repetitious testimony shall be excluded.

(F) No permit granted herein shall confer any vested right to any person or business for more than the permit period. All operators, managers and massage practitioner subject to this chapter shall comply with the provisions of this chapter as they may be amended hereafter.

(Ord. 2008-004, passed 3-10-08)

§ 119.20 ATTORNEY'S FEES AND COSTS.

(A) In any action, administrative proceeding or special proceeding commenced by the city to abate a public nuisance or to enjoin violation of any provision of this chapter, if the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees, the prevailing party shall be entitled to recover all costs incurred therein, including reasonable attorneys' fees and costs of suit. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(B) The city shall be considered a prevailing party entitled to attorneys' fees under division (A) of this section when it can demonstrate that:

(1) Its lawsuit was the catalyst motivating the defendant to provide the primary relief sought;

(2) The lawsuit was meritorious and achieved its result by "threat of victory"; and

(3) The city reasonably attempted to settle the litigation before filing the lawsuit.

(Ord. 2008-004, passed 3-10-08)

§ 119.21 PERSONS EMPLOYED UNDER AGE 18 NOT PERMITTED.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment or school of massage to employ any person who is not at least 18 years of age.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.22 PERSONS EMPLOYED WITHOUT PERMITS NOT ALLOWED.

(A) It shall be the responsibility of the owner, operator, manager or permittee in charge of a massage establishment or school of massage, to ensure that each person employed shall first have obtained a valid CAMTC certificate.

(B) If knowingly employing any person who is not in possession of a valid, unrevoked permit, or allowing such a person to work or practice within such a place of business, the owner, operator, manager or permittee shall be in violation of this section.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.23 ON-SITE THERAPY AND OUT-CALL MASSAGE.

(A) No person shall perform or administer massage or bodywork techniques as either on-site or out-call massage/bodywork, as those terms are defined herein, ~~for money or other consideration, for compensation without possessing a CAMTC certificate, a permit issued by the Police Chief in accordance with this section and a valid City Business License, without obtaining a massage/bodywork practitioner permit pursuant to the provisions of this chapter, and in conjunction with a valid city business license.~~

(B) Out-call massage/bodywork shall not be performed ~~unless authorized in writing~~ by a physician, surgeon, chiropractor, or osteopath duly licensed to practice in the state.

(C) Out-call massage and on-site therapy shall be conducted between the hours of 8:00 a.m. and 8:00 p.m.

(D) Out-call massage or on-site therapy shall not be conducted in the following locations:

(1) A hotel/motel room or any other similar location used primarily for transitory habitation purposes.

(2) The residence of the out-call or on-site massage/bodywork practitioner.

(Ord. 2006-003, passed 3-13-06; Am. Ord. 2008-004, passed 3-10-08)

§ 119.24 VIOLATION AND PENALTY.

(A) It is unlawful for any person, association, firm or corporation to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises, the business of massage/bodywork, or to render or permit to be rendered massage or bodywork services at a location removed from a massage/bodywork business, in the absence of a permit issued pursuant to the provisions set forth in this chapter.

(B) Any massage/bodywork business operated, conducted or maintained contrary to the provisions of this chapter shall be unlawful and a public nuisance; and the City Attorney may, at his or her discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in any manner provided by law.

(C) A violation of any of the provisions of this chapter, or failure to comply with any of its mandatory requirements, shall constitute a misdemeanor; except that, notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this chapter may, at the discretion of the City Attorney, be charged and prosecuted as an infraction.

(D) (1) Any violation of this chapter prosecuted as a misdemeanor shall be punishable by a fine of not more than \$1,000, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment.

(2) Any infraction prosecuted under the provisions of this chapter shall be made punishable by a fine not to exceed \$500.

(E) Each person shall be charged with a separate offense for each and every day during which any violation of any provision of this chapter is committed, continued or permitted by such person, and shall, upon conviction, be punished accordingly.

(F) Pursuant to the City Attorney's prosecutorial discretion, the city may enforce violations of this chapter as criminal, civil and/or administrative violations utilizing administrative remedies.

(G) It is the duty of the Police Chief to enforce rules and regulations in accordance with this chapter.

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

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall become effective thirty (30) days from and after its final passage (00/00/00), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on August 27, 2024.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 27 day of August, 2024; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Gabriela Hernandez, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney

DRAFT

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date: September 10, 2024

Subject: Resolution Approving an Agreement with Epic I/O for the Addition of Three (3) Camera Site Locations within the City of Riverbank Security Camera and LPR (License Plate Reader) System and Authorize the Relocation of an Existing Camera Site

From: Marisela H. Garcia, City Manager

Submitted by: Ed Ridenour, Police Chief

RECOMMENDATION

It is recommended that the City Council consider approving a resolution authorizing the City Manager to execute an Agreement with Epic I/O, formerly known as IntelliSite LLC, to add three (3) additional locations within the City, relocate an existing camera site, and to authorize Modesto Executive Electric to add power to two proposed locations.

Alternatively, the Council could provide feedback and direction on the proposed sites or request staff to research other options.

SUMMARY

In 2019 the City Council approved the initiation of a License Plate Reader and Security Camera pilot program within the City of Riverbank. At that time the Council had long desired new and innovative methods to ensure the safety of our community using technology. The Council approved a camera lease subscription agreement with IntelliSite which allows the City to have a comprehensive camera system throughout most major entrances and exits in the community as well as other locations that have struggled with nuisance and crime-related issues. To ensure the most current equipment as well as adequate technical support/maintenance the City Council chose a lease versus purchase option. In addition, this option considerably reduced the City's upfront cost. The Council directed that the cost for the ongoing subscription/lease of the cameras be paid for out of the Public Benefit Fund (Cannabis Revenues).

At the time the program was initiated it represented one of the first comprehensive municipally operated camera systems in our local geographic area. From the perspective

of Staff and our Police Services Department, the pilot program has been a resounding success. Riverbank Police Services uses the system daily to perform investigations on crimes, identify stolen vehicles, aid the community in public safety matters, and review footage of car accidents where needed. The system has also acted as an excellent deterrent in some of our areas/parks that have traditionally experienced high levels of criminal activity.

Organized retail theft has grown across the state and the City of Riverbank has not been immune. Staff within Riverbank Police Services routinely utilize the city-wide camera network to aid their investigations to combat organized retail theft and many other investigations. We currently have 18 sites around the city with a total of 54 cameras.

As the city has expanded, we have identified three (3) additional site locations to bolster our city-wide coverage. We would like to add cameras and license plate readers (LPR's) to the intersections of Oakdale Rd/Freddi Lane, Claribel/Machado Parkway, and Squire Wells Rd near Heartland Dr. These three locations would strengthen our coverage of the City perimeter to the West, incorporate coverage of Crossroads West and would close holes in our current coverage of the existing Crossroads Shopping Center.

For the proposed site at Oakdale Rd and Freddi Ln, our recommendation is to add four (4) cameras. These cameras would provide an intersection overview and license plate readers (LPR's) to northbound traffic on Oakdale Rd, and eastbound and westbound traffic into the Crossroad's Shopping Centers.

For the proposed site at Claribel Rd and Machado Parkway, our recommendation is to add four (4) cameras. These cameras would provide an intersection overview, and license plate readers (LPR's) to westbound traffic on Claribel, eastbound traffic on Claribel, and northbound traffic into the Crossroad's Shopping Center.

For the proposed site at Squire Wells near Heartland, our recommendation is to add two (2) cameras. These cameras would provide an overview camera to the north covering the intersection and roundabout at Squire Wells and Heartland, and a license plate reader (LPR) to northbound traffic on Squire Wells.

Lastly, we would like to relocate one of our existing sites to another location that will provide better overall city-wide coverage. We believe the site at Oakdale Rd and Westgate would be better suited at Oakdale Rd and Morrill Rd. This unit already has two cameras including an intersection overview and LPR. Morrill Rd at Oakdale Rd is seeing an increased amount of traffic as people look for alternate ways to come and go from the city.

All the proposed new locations have the constant power needed to support these additions except the site at Oakdale Rd and Freddi Ln and Oakdale Rd at Morrill Rd. We have received a quote from Modesto Executive Electric to add constant power at that location.

Given the success of the program and the quality service received by Epic I/O, staff feels comfortable recommending approval given the amount of utility the system gives our law enforcement personnel.

STRATEGIC PLAN

This item is directly related to the City Council's Strategic Plan Goal to "*Improve Public Safety.*"

FINANCIAL IMPACT:

The current cost for the camera lease subscription agreement is approximately \$131,000 annually. Our contract with Epic I/O ends August 31, 2028, and these new site additions, if approved, would co-term with the existing contract.

The cost to add all three sites through Epic I/O would have a one-time installation cost of \$9,900 and a recurring cost of \$45,660 a year or \$3,805 a month.

The one-time cost to have Epic I/O relocate the site Oakdale Rd and Westgate to Oakdale Rd at Morrill Rd is \$1,700.

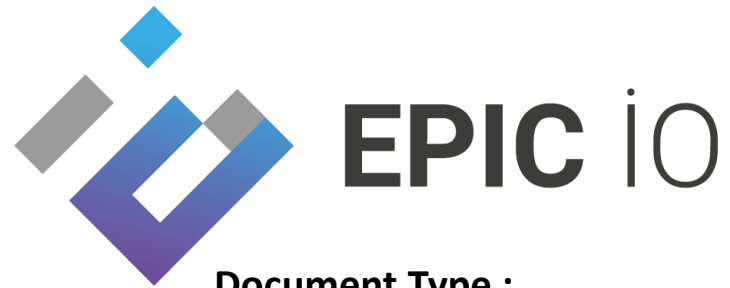
We received quotes through Modesto Executive Electric to add constant power to the new site. The cost for the site at Oakdale Rd and Fredd Ln is \$3,250 and the cost to add constant power at Oakdale Rd and Morrill Rd is \$2,250.

The total combined Project Cost would have a one-time installation cost of \$17,100 and an additional recurring cost of \$45,660 a year or \$3,805 a month through the end of our current contract with Epic I/O that is set to expire on August 31, 2028. Please note, Epic I/O quotes do not include taxes and that all hardware is taxable, software & services are not.

The current funding source for our city-wide camera system is the public benefit fund. This fund does not have sufficient revenue to support additional projects. These additional camera sites would be funded from the General Fund.

ATTACHMENTS

1. Proposal New Sites – SOW Machado Parkway, Freddi Ln, and Squire Wells.
2. Epic I/O Quote #3559_New Sites.
3. Epic I/O Quote #5163_Site Move.
4. Modesto Executive Electric Power Quote – Oakdale/Freddi Ln.
5. Modesto Executive Electric Power Quote – Oakdale/Morrill Rd.
6. Resolution 2024-XXX



Document Type :

Scope of Work

Revision 2.0

Date:

May 14, 2024

Project Type:

LPR & Site Security

Project Name:

Machado Parkway/Freddi LN/Squire Wells

Customer Name:

City of Riverbank

Provided by:

Jason Guillen, Field Tech Project Manager

Epic iO Contacts:

Jason Guillen, Field Tech Project Manager, 209-613-5094, jason.Guillen@epicio.com

Sarah Sevier, AIoT Account Manager, 209-303-6219, ssevier@epicio.com

Assumptions

- The pictures depicted in this document are intended to represent a preliminary high level site design for the suggested Epic iO LPR & Site Surveillance project for the City of Riverbank.
- The outlined illustrations below were created to show approximate installation locations, hardware types, quantities, and capture zones for the intended purpose of visual aid and to assist in building the Build of Materials (aka: B.O.M).
- All UIG-AI comms boxes shown in this document will be utilizing 120V A/C power.
- All cameras represented in this SOW will be transmitting data using Verizon/First Net cellular network back to Epic iO’s DeepInsights software platform where all data will be processes, stored and analyzed based on the rules provided and agreed upon between the end user and the Epic iO’s Engineering Team also listed within this scope of work document.
- For questions regarding hardware and software setup and compliance, please reach out to the Pre-Sales Engineer at the contact listed above.
- Epic IO is NOT responsible for equipment and associated hardware that may become damaged due to vandalism and/or “Acts of God”. Any equipment and associated hardware replacement cost including re-installation will be the responsibility of the customer.
- City of Riverbank is responsible for obtaining and purchasing any required permitting and/or authorization in order to successfully install this solution as depicted within the site drawings.
- City of Riverbank will be responsible for calling in and scheduling underground utility located for all areas impacted in this project for the areas depicted within the site drawings.
- DeepInsights dashboard configuration to be setup by Epic IO.
- Any changes to the agreed upon and signed PO will result in a change order that may also result in additional fees being required.

Abr.	Name	Abr.	Name	Abr.	Name	Abr.	Name
S#	Site	VC#	IP Video Camera	N(T)#	Node/Sensor (Type)	UP#	Utility Pole
L#	Location	SC#	Solar Camera	GW#	LoRaWAN Gateway	TS#	Traffic Signal Pole
A#	Area	AI#	UIG AI Comms Box	NB#	Ubiquity PtP Nanobeam	SL	Streetlight Pole
B#	Building	XT#	UIG XT Comms Box	ES#	Electrical Power Source	RT	Radio Antenna Tower
DL#	Drive Lane	LPR	License Plate Recognition				
PL#	Pedestrian Lane	NS#	Network Switch				

General Project Notes

Customer Use Case

- City of Riverbank will be using the proposed site security camera solution to monitor the area for general site compliance and security for the Machado Parkway/Freddi LN/Squire Wells

Power

- City of Riverbank will be required to provide power to each Traffic/streetlight pole outlined in this document. Each UIG will need 120VAC-240VAC in order to power cameras and internal components.

Network Connectivity

- Connectivity for ALL locations and ALL cameras will be provide using cellular to provide connectivity from the cameras back to the server.

Installation Notes

- The approved installation contractor will be responsible for any installation hardware that falls outside of the standard mounting hardware that is included with the Epic IO provided cameras, and UIG comms boxes.
- **ALL** Cat6 cable **MUST** be outdoor UV rated and shielded.
- **ALL** RJ45 connectors **MUST** be metal shielded and the shielded portion of the Cat6 cable **MUST** be grounded to the connector.
- **ALL** conduit terminations and/or other needed entry into the UIG NEMA enclosure **MUST** be done at the bottom of the enclosure to ensure a weatherproofing is maintained. If entry into the NEMA comms box from the bottom of the enclosure cannot be performed, the installation contractor **MUST** consult with the project manager on any possible alternate installation methods before proceeding.
- Epic iO to replace the existing camera with new PTZ cameras, add an additional PTZ camera to the front gate tower and use the City of Riverbank newly purchased camera to be installed as a part of the expansion to feed into DeepInsights.

Equipment Storage

- Prior to deliver, City of Riverbank will provide a proper ship to address to Epic iO. In addition to the ship to address, the customer shall also provide a safe and secure area to store all associated hardware until it can be installed.

Hardware:

- All Epic iO provided hardware will be delivered to the City of Riverbank for installation at the proposed sites shown within this statement of work document.

Hardware Maintenance

- All recommended and associated maintenance of the provided solution are the responsibility of the end user.

Hardware Provisioning

- The chosen installation contractor and City of Riverbank to work with Epic IO Solution Architects and Engineering team to provision the provided solution. A representative from Epic IO will be assigned prior to installation and will reach out to the installation partner and customer/end user to ensure they are aligned on dates and times of availability.

Oakdale Rd/Freddi Ln

Epic iO Site Hardware:



STEETLIGHT POLE 1: [SP1]

- 1 – UIG-AI1 Comms Box
- 1 – Fixed Bullet Camera
- 2 – LPR Bullet Camera
- 1 – Main access point Radio
- 1 – Blue Light

STEETLIGHT POLE 2: [SP2]

- 1 – UIG-AI2 Comms Box
- 1 – LPR Bullet Camera
- 1 – Station Radio
- 1 – Blue Light

*Use power from street light via
Photo Cell adapter
Supports high voltage
-120 volts AC
-240 volts AC

Oakdale Rd/Freddi Ln

Statement of Work

Street Light Pole 1 [SP1]

Camera 1 [VC1]: New Fixed bullet camera [VC1] to be mounted to Street Light pole [SP1] located in the North-West corner of intersection. Fixed Camera covering intersection

Camera 2 [VC2]: New LPR bullet camera [VC2] to be mounted to Street Light pole **arm** [SP1] located in the North-West corner of intersection. LPR bullet camera facing west into Costco parking lot

Camera 3 [VC3]: New LPR bullet camera [VC3] to be mounted to Street Light pole **arm** [SP1] located in the North-West corner of intersection. LPR bullet camera to face East towards Target shopping center

UIG-AI Comms Box [AI1]: New UIG-AI1 comms box [AI1] to be installed on Street Light pole 1 [SP1] and support cameras [VC1] [VC2][VC3]. Also being supported by UIG [AI1] will be a blue strobe light.

***Customer will be required to dedicate 120VAC-240VAC circuit to power UIG, cameras, and internal components.**

Main Access Radio [SP1]: Main Access radio to be Installed on Street Light Pole 1[SP1] located in the North-West corner of intersection. Radio should be pointed towards Street Light Pole 2[SP2]

Street Light Pole 2 [SP2]

Camera 4 [VC4]: New LPR bullet camera [VC4] to be mounted to pole [SP2] located in the North center divider(see map above). LPR bullet camera facing Northbound

UIG-XT Comms Box [XT]: New UIG-XT comms box [XT] to be installed on Street Light pole 2 [SP2] and support camera [VC4]. Also being supported by UIG [XT] will be a blue strobe light.

***Customer will be required to dedicate 120VAC-240VAC circuit to power UIG, cameras, and internal components.**

Station Radio [SP2]: Station radio to be Installed on Street Light Pole 2[SP2] located in the North center divider(see map above). Station Radio should be facing back to Street Light Pole 1

Oakdale Rd/Freddi Ln AI Type and Rules											
Lane	1	L1	Artificial Intelligence (AI) Model:							Qty	3
			Camera/Node Name	VC/SC#	Capture Point/Area	Camera/Node Type	Installation Location	Make	Model		
			Oakdale Rd/Freddi Ln		Rear License Plate	LPR Fixed Bullet	New pole 10ft min height	AXIS	Q1700-LE		
AI Performance Rule Description			UIG-AI1 [VC2]- Westbound [VC3]- Eastbound UIG- XT [VC3]-Northbound								
Defining Alert Description			[VC2]Capture License Plates going West into Costco parking lot [VC3]Capture License Plates going East into Target shopping center [VC4]Capture License plates going Northbound								
Alert Notification(s)			Email Addresses				Cell Phone Numbers				
Notes:											

B.O.M					
Hardware					
Qty	Type	Product Code	Description	Type	Note
3	Hardware	Axis- Q1700-LE	Fixed Bullet Radar Camera	Hardware	Fixed Bullet Camera with radar capability
1	Hardware	IOT-CAM-FXDBLT	Fixed Bullet Camera	Hardware	Fixed Bullet Camera
3	Hardware	T91B47	Pole Mount	Hardware	Pole Mount
3	Hardware	TQ1602-E	Junction Box	Hardware	Junction Box
1	Hardware	A01	Pole Mount	Hardware	Pole Mount
1	Hardware	A62	Junction Box	Hardware	Junction Box
UIG					
1	Hardware	IOT-UIGAI	UIG with AI Capability	Hardware	Rugged edge compute gateway with AI capability. Remote site design included. 5 year rental.
1	Hardware	IOT-UIGXT	UIG EXTENSION	Hardware	Rugged edge gateway extension, Includes remote site design
Software					
4	Software	IOT-DVDI	DeepVision + DeepInsights	Software	Video Management, EPIC iO AI Models, alerts, and analytics. Price per Stream.
3	Software	EPIC-DVAI-SMVR	AI Module: Vehicle Recognition (LPR)	Software	Vehicle make, model, color, and license plate recognition w/ real-time alerts.
2	Service	IOT-CARE-PKG	IntelliCare Maintenance Plan	Service	The IntelliCare Maintenance Plan covers system health monitoring, remote support, and advanced replacement per system. 5 year subscription.

Machado Parkway 37°42'38.9"N 120°58'04.1"W

Epic iO Site Hardware:

STEETLIGHT POLE 1: [SP1]

- 1 – UIG-AI Comms Box
- 1 – Fixed Bullet Camera
- 1 – LPR Bullet Cameras
- 1 – Main access point Radio
- 1 – Blue Light

STEETLIGHT POLE 2: [SP2]

- 1 – UIG (XT) Comms Box
- 2 – LPR Bullet Cameras
- 1 – Station Radio
- 1 – Blue Light

*Use power from street light via Photo Cell adapter
Supports high voltage
-120 volts AC
-240 volts AC



Statement of Work

Street Light Pole 1 [SP1]

Camera 1 [VC1]: New Fixed bullet camera [VC1] to be mounted to Street Light pole [SP1] located in the South-West corner. Fixed Cameras covering intersection

Camera 2 [VC2]: New LPR bullet camera [VC2] to be mounted to Street Light pole **arm** [SP1] located in the South-West corner. LPR bullet camera facing Eastbound

UIG-AI Comms Box [AI1]: New UIG-AI comms box [AI1] to be installed on Street Light pole 1 [SP1] and support cameras [VC1] [VC2]. Also being supported by UIG [AI1] will be a blue strobe light.

***Customer will be required to dedicate 120VAC-240VAC circuit to power UIG, cameras, and internal components.**

Main Access Radio [SP1]: Main Access radio to be Installed on Street Light Pole 1[SP1] located in the South-West corner. Radio should be facing back to Street Light Pole 2

Street Light Pole 2 [SP2]

Camera 3 [VC3]: New LPR bullet camera [VC3] to be mounted to Street Light pole **arm** [SP2] located in the N/E corner. LPR bullet camera facing Westbound

Camera 4 [VC4]: New LPR bullet camera [VC4] to be mounted to Street Light pole **arm** [SP2] located in the N/E corner. LPR bullet camera facing into parking lot

UIG-XT Comms Box [XT]: New UIG-XT comms box [XT] to be installed on Street Light pole 2 [SP2] and support cameras [VC3] [VC4]. Also being supported by UIG [XT] will be a blue strobe light.

***Customer will be required to dedicate 120VAC-240VAC circuit to power UIG, cameras, and internal components.**

Station Radio [SP2]: Station radio to be Installed on Street Light Pole 2[SP2] located in the N/E corner. Station Radio should be facing back to Street Light Pole 1

Machado Parkway- AI Type and Rules											
Lane	1	L1	Artificial Intelligence (AI) Model:							Qty	3
			Camera/Node Name	VC/SC#	Capture Point/Area	Camera/Node Type	Installation Location	Make	Model		
			Machado Parkway		Rear License Plate	LPR Fixed Bullet	New pole 10ft min height	Axis	Q1700-LE		
AI Performance Rule Description			UIG- [VC1]- Capture Intersection [VC2]- Eastbound XT- [VC3]-Westbound [VC4]- into parking lot								
Defining Alert Description			Capture License Plates going Eastbound, Westbound, into parking lot								
Alert Notification(s)			Email Addresses				Cell Phone Numbers				
Notes:											

B.O.M					
Hardware					
Qty	Type	Product Code	Description	Type	Note
3	Hardware	Axis- Q1700-LE	Fixed Bullet Radar Camera	Hardware	Fixed Bullet Camera with radar capability
1	Hardware	IOT-CAM-FXDBLT	Fixed Bullet Camera	Hardware	Fixed Bullet Camera
3	Hardware	T91B47	Pole Mount	Hardware	Pole Mount
3	Hardware	TQ1602-E	Junction Box	Hardware	Junction Box
1	Hardware	A01	Pole Mount	Hardware	Pole Mount
1	Hardware	A62	Junction Box	Hardware	Junction Box
UIG					
1	Hardware	IOT-UIGAI	UIG with AI Capability	Hardware	Rugged edge compute gateway with AI capability. Remote site design included. 5 year rental.
1	Hardware	IOT-UIGXT	UIG EXTENSION		Rugged edge gateway extension, Includes remote site design
Software					
4	Software	IOT-DVDI	DeepVision + DeepInsights	Software	Video Management, EPIC iO AI Models, alerts, and analytics. Price per Stream.
3	Software	EPIC-DVAI-SMVR	AI Module: Vehicle Recognition (LPR)	Software	Vehicle make, model, color, and license plate recognition w/ real-time alerts.
2	Service	IOT-CARE-PKG	IntelliCare Maintenance Plan	Service	The IntelliCare Maintenance Plan covers system health monitoring, remote support, and advanced replacement per system. 5 year subscription.

SQUIRE WELLS 37°42'52.3"N 120°57'06.1"W

Notes



STEETLIGHT POLE: [SP]

1 – UIG-AI Comms Box

1 – LPR Bullet
Camera[VC1]

1 – PTZ Bullet
Camera[VC2]

1 – Blue Light

*Use power from street light via Photo
Cell adapter
Supports high voltage
-120 volts AC
-240 volts AC

Statement of Work

Street Light Pole [SP]

Camera 1 [VC1]: New LPR bullet camera [VC1] to be mounted to Street Light pole **arm** [SP1] located in N/E right before roundabout. LPR bullet camera facing north to capture back license plates going into roundabout

Camera 2 [VC2]: New PTZ bullet camera [VC2] to be mounted to Street Light pole [SP] located in N/E right before roundabout. PTZ facing north to cover roundabout.

UIG-AI Comms Box [AI1]: New UIG-AI comms box [AI1] to be installed on Street Light pole 1 [SP1] and support cameras [VC1] [VC2]. Also being supported by UIG [AI1] will be a blue strobe light.

*Customer will be required to dedicate 120VAC-240VAC circuit to power UIG, cameras, and internal components.

SQUIRE WELLS 37°42'52.3"N 120°57'06.1"W

Lane	1	L1	Artificial Intelligence (AI) Model:							Qty	1
			Camera/Node Name	VC/SC#	Capture Point/Area	Camera/Node Type	Installation Location	Make	Model		
			SQUIRE WELLS 37°42'52.3"N 120°57'06.1"W		Rear License Plate	LPR Fixed Bullet	New pole 10ft min height	Axis	Q1700-LE		
AI Performance Rule Description			[VC2]- LPR bullet camera facing north to capture back license plates going into roundabout								
Defining Alert Description			Capture License Plates going Northbound								
Alert Notification(s)			Email Addresses				Cell Phone Numbers				
Notes:											

B.O.M					
Hardware					
Qty	Type	Product Code	Description	Type	Note
1	Hardware	Axis- Q1700-LE	Fixed Bullet Radar Camera	Hardware	Fixed Bullet Camera with radar capability
1	Hardware	IOT-CAM-PTZBLT-5YR	PTZ Bullet Camera	Hardware	PTZ bullet PTZ
1	Hardware	T91B47	Pole Mount	Hardware	Pole Mount
1	Hardware	TQ1602-E	Junction Box	Hardware	Junction Box
1	Hardware	A01	Pole Mount	Hardware	Pole Mount
1	Hardware	A62	Junction Box	Hardware	Junction Box
UIG					
1	Hardware	IOT-UIGAI	UIG with AI Capability	Hardware	Rugged edge compute gateway with AI capability. Remote site design included. 5 year rental.
Software					
2	Software	IOT-DVDI	DeepVision + DeepInsights	Software	Video Management, EPIC iO AI Models, alerts, and analytics. Price per Stream.
1	Software	EPIC-DVAI-SMVR	AI Module: Vehicle Recognition (LPR)	Software	Vehicle make, model, color, and license plate recognition w/ real-time alerts.
1	Service	IOT-CARE-PKG	IntelliCare Maintenance Plan	Service	The IntelliCare Maintenance Plan covers system health monitoring, remote support, and advanced replacement per system. 5 year subscription.



Order Form #3559

EPIC iO

3463 Lakemont Blvd
Ste 104B
Fort Mill, SC 29708
United States of America
Sarah Sevier
ssevier@epicio.com

Prepared For
City of Riverbank

Ed Ridenour
Chief
eridenour@stansheriff.com

Shipping Info

6707 3rd Street
Riverbank | CA | 95367
USA

Contract Length 49 months**Signature Date****Payment Terms** Net 30**Summary****Site pole locations:**

Pole Location Near Savemart (Oakdale Rd Unit) 37.714175, -120.958394

Pole Location Near Target (Squire Wells Unit) 37.714521, -120.951715

Site Contact:

Ed Ridenour, Chief

Riverbank Police Services

Phone: (209) 863-7139 Mobile: (209) 652-6987

Email: eridenour@stansheriff.com

6727 Third St. Riverbank, CA 95361

SIM cards will be provided by Sheriff Department

Co-termed agreement to align with current agreement that ends on 8/31/28

Oakdale Rd & Freddi Ln

Product	Quantity	Price per Unit	Price per Month	Price per Year	Total Price
Universal IoT Gateway (UIG) with AI Ability - 5 Year Subscription (IOT-UIGAI-5YR) Rugged edge compute gateway with AI capability. 5 year subscription. Taxable	1	\$300.00 / unit	\$300.00	\$3,600.00	\$14,700.00
UIG Extension - 5 Year Subscription (IOT-UIGXT-5YR) Rugged edge gateway extension. 5 year subscription. Taxable	1	\$100.00 / unit	\$100.00	\$1,200.00	\$4,900.00

Product	Quantity	Price per Unit	Price per Month	Price per Year	Total Price
5 GHz WiFi bridge - 5 Year Subscription (IOT-BRG-WIFI-5YR) 5 GHz WiFi bridge with enhanced surge protection and an optimized radio and antenna. 5 Year Subscription. Taxable	2	\$10.00 / unit	\$20.00	\$240.00	\$980.00
Instant PoE Injector, Indoor - 5 Year Subscription (IOT-ACC-POE-INDR-5YR) Instant indoor gigabit PoE injector. 5 year subscription. Taxable	2	\$5.00 / unit	\$10.00	\$120.00	\$490.00
Fixed Bullet Camera - 5 Year Subscription (IOT-CAM-FXDBLT-5YR) Fixed bullet camera. 5 year subscription. Taxable	1	\$25.00 / unit	\$25.00	\$300.00	\$1,225.00
Fixed Bullet LPR Camera (IOT-CAM-AX-FXDBLT-LPR-5YR) Fixed bullet license plate camera. Taxable	3	\$103.00 / unit	\$309.00	\$3,708.00	\$15,141.00
DeepInsights Enterprise - 5 Year License (IOT-DVDI-5YR) Video management, EPIC iO AI models, alerts, and analytics. Price per stream.	4	\$90.00 / unit	\$360.00	\$4,320.00	\$17,640.00
DeepInsights AI Module: Vehicle Recognition (LPR) (DVAI-SMVR-5YR) Vehicle make, model, color, and license plate recognition with real-time alerting. Requires a DeepInsights AI license. 5 year subscription. Nontaxable	3	\$110.00 / unit	\$330.00	\$3,960.00	\$16,170.00
IntelliCare Maintenance Plan - 5 Year Subscription (IOT-CARE-PKG-5YR) The IntelliCare Maintenance Plan covers system health monitoring, remote support, and advanced replacement per system. 5 year subscription. Nontaxable	2	\$25.00 / unit	\$50.00	\$600.00	\$2,450.00
Subtotal for Oakdale Rd & Freddi Ln					\$73,696.00

Claribel & Machado Parkway

Product	Quantity	Price per Unit	Total Price
Universal IoT Gateway (UIG) with AI Ability - 5 Year Subscription (IOT-UIGAI-5YR) Rugged edge compute gateway with AI capability. 5 year subscription. Taxable	1	\$300.00 / unit	\$14,700.00
UIG Extension - 5 Year Subscription (IOT-UIGXT-5YR) Rugged edge gateway extension. 5 year subscription. Taxable	1	\$100.00 / unit	\$4,900.00
5 GHz WiFi bridge - 5 Year Subscription (IOT-BRG-WIFI-5YR) 5 GHz WiFi bridge with enhanced surge protection and an optimized radio and antenna. 5 Year Subscription. Taxable	2	\$10.00 / unit	\$980.00

Product	Quantity	Price per Unit	Total Price
Instant PoE Injector, Indoor - 5 Year Subscription (IOT-ACC-POE-INDR-5YR) Instant indoor gigabit PoE injector. 5 year subscription. Taxable	2	\$5.00 / unit	\$490.00
Fixed Bullet Camera - 5 Year Subscription (IOT-CAM-FXDBLT-5YR) Fixed bullet camera. 5 year subscription.	1	\$25.00 / unit	\$1,225.00
Fixed Bullet LPR Camera (IOT-CAM-AX-FXDBLT-LPR-5YR) Fixed bullet license plate camera. Taxable	3	\$103.00 / unit	\$15,141.00
DeepInsights Enterprise - 5 Year License (IOT-DVDI-5YR) Video management, EPIC iO AI models, alerts, and analytics. Price per stream.	4	\$90.00 / unit	\$17,640.00
DeepInsights AI Module: Vehicle Recognition (LPR) (DVAI-SMVR-5YR) Vehicle make, model, color, and license plate recognition with real-time alerting. Requires a DeepInsights AI license. 5 year subscription.	3	\$110.00 / unit	\$16,170.00
IntelliCare Maintenance Plan - 5 Year Subscription (IOT-CARE-PKG-5YR) The IntelliCare Maintenance Plan covers system health monitoring, remote support, and advanced replacement per system. 5 year subscription.	2	\$25.00 / unit	\$2,450.00
Subtotal for Claribel & Machado Parkway			\$73,696.00

Squire Wells Near Heartland

Product	Quantity	Price per Unit	Price per Month	Price per Year	Total Price
Universal IoT Gateway (UIG) with AI Ability - 5 Year Subscription (IOT-UIGAI-5YR) Rugged edge compute gateway with AI capability. 5 year subscription. Taxable	1	\$300.00 / unit	\$300.00	\$3,600.00	\$14,700.00
PTZ Bullet Camera - 5 Year Subscription (IOT-CAM-PTZBLT-5YR) Pan-tilt-zoom (PTZ) outdoor bullet camera. 5 year subscription.	1	\$74.00 / unit	\$74.00	\$888.00	\$3,626.00
Fixed Bullet LPR Camera (IOT-CAM-AX-FXDBLT-LPR-5YR) Fixed bullet license plate camera. Taxable	1	\$103.00 / unit	\$103.00	\$1,236.00	\$5,047.00
DeepInsights AI Module: Vehicle Recognition (LPR) (DVAI-SMVR-5YR) Vehicle make, model, color, and license plate recognition with real-time alerting. Requires a DeepInsights AI license. 5 year subscription.	1	\$110.00 / unit	\$110.00	\$1,320.00	\$5,390.00
DeepInsights Enterprise - 5 Year License (IOT-DVDI-5YR)	2	\$90.00 / unit	\$180.00	\$2,160.00	\$8,820.00

Product	Quantity	Price per Unit	Price per Month	Price per Year	Total Price
Video management, EPIC iO AI models, alerts, and analytics. Price per stream.					
IntelliCare Maintenance Plan - 5 Year Subscription (IOT-CARE-PKG-5YR) The IntelliCare Maintenance Plan covers system health monitoring, remote support, and advanced replacement per system. 5 year subscription.	1	\$30.00 / unit	\$30.00	\$360.00	\$1,470.00
Subtotal for Squire Wells Near Heartland					\$39,053.00

One-Time Fees

Product	Quantity	Price per Unit	Total Price
Service - Fixed Fee (Service - Fixed Fee) Fixed fee labor for service or project work.	3	\$3,300.00 / unit	\$9,900.00

Monthly Total	\$3,805.00
One-Time Fees	\$9,900.00
First Year Total	\$55,560.00
Year 1 Overall Total	\$55,560.00
Year 2 Overall Total	\$45,660.00
Year 3 Overall Total	\$45,660.00
Year 4 Overall Total	\$45,660.00
Year 5 Overall Total	\$3,805.00

Terms & Conditions

✔ Taxes

Jurisdictional taxes will be applied whenever applicable. Shipping, handling, and other fees may also apply. We reserve the right to cancel orders arising from pricing or other errors.

✔ 3rd Party Installation

Except in rare circumstances, installation services are provided by a 3rd party.

✔ Quote Expiration Date

This quote expires 30 days after receipt.

Signatures

IN WITNESS WHEREOF, the Parties by their duly authorized representatives have executed this Agreement as of the Effective Date.

City of Riverbank

Name: **Ed Ridenour**

Title: **Chief**

Email: **eridenour@stansheriff.com**

Signed Date:

Signature: _____

**EPIC iO**

3463 Lakemont Blvd
 Ste 104B
 Fort Mill, SC 29708
 United States of America
 Collin Greer
 collin.greer@epicio.com

Prepared For
City of Riverbank
Ed Ridenour
 Chief
 eridenour@stansheriff.com

 Shipping Info
 6707 3rd Street
 Riverbank | CA | 95367
 US
Payment Terms Net 30**Signature Date**

Summary

One-Time Fees

Product	Quantity	Price per Unit	Total Price
Professional Installation (INST-PRO-INSTALL) Includes labor to demobilize the equipment at Oakdale & Westgate and moving to Oakdale & Morrill. Additionally includes the use of a bucket truck at each location.	1	\$1,700.00 / unit	\$1,700.00
Subtotal for One-Time Fees			\$1,700.00

Overall Total **\$1,700.00**

✓ Taxes

Jurisdictional taxes will be applied whenever applicable. Shipping, handling, and other fees may also apply. We reserve the right to cancel orders arising from pricing or other errors.

✓ 3rd Party Installation

Installation services may be provided by a third party.

✓ Quote Expiration Date

This quote expires 30 days after receipt.

Signatures

IN WITNESS WHEREOF, the Parties by their duly authorized representatives have executed this Agreement as of the Effective Date.

City of Riverbank

Name: **Ed Ridenour**-----
Title: **Chief**-----
Email: **eridenour@stansheriff.com**-----
Signed Date: -----

Signature: -----



ATTACHMENT 4

08/01/2024

Ed Ridenour

Project: Oakdale Rd/Freddi Ln Security Camera Power

Ed,

Per your request, please see our estimated cost to perform the work as follows: Add a 120v circuit from the power pedestal at Oakdale/Freddi and pull wire through existing conduit to SP1 & SP2 per detail. This will include drilling hole in SP at camera junction box locations and leaving an SO cord pigtail for termination in camera junction box and installing new breaker in pedestal. The prices reflected below include all labor, equipment (bucket truck) and tools required to complete the work as listed above. Excludes any and all work at Machado Pkwy and Squire Wells, it was determined in the pre-bid meeting these intersections already have 120v power.

Security Camera Power: 2,500.00
Equipment Rental/Bucket Truck: \$750.00
TOTAL ESTIMATE: \$3,250.00

Thank you for the opportunity to be of service to you. If you have any questions regarding this project, please contact me. Quotation is good for 30 days, per the Standard Industry Terms & Conditions which is an integral part of this quotation.

Sincerely,

Kevin Simpson, V.P./General Manager

Customer Acceptance:

Date:



08/26/2024

Ed Ridenour

Project: Oakdale Rd/Morrill Rd. Security Camera Power

Ed,

Per your request, please see our estimated cost to perform the work as follows: Add a 120v circuit from the power pedestal at Oakdale/Morrill and pull wire through existing conduit to the Northwest corner per pictures provided. This will include drilling hole in SP at camera junction box locations and leaving an SO cord pigtail for termination in camera junction box and installing new breaker in pedestal. The prices reflected below include all labor, equipment (bucket truck) and tools required to complete the work as listed above.

Security Camera Power: 1,500.00
Equipment Rental/Bucket Truck: \$750.00
TOTAL ESTIMATE: \$2,250.00

Thank you for the opportunity to be of service to you. If you have any questions regarding this project, please contact me. Quotation is good for 30 days, per the Standard Industry Terms & Conditions which is an integral part of this quotation.

Sincerely,

Kevin Simpson, V.P./General Manager

Customer Acceptance:

Date:

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIVERBANK, CALIFORNIA
APPROVING AN AGREEMENT WITH EPIC I/O FOR THE ADDITION OF THREE (3)
CAMERA SITE LOCATIONS WITHIN THE CITY OF RIVERBANK SECURITY
CAMERA AND LPR (LICENSE PLATE READER) SYSTEM AND AUTHORIZE THE
RELOCATION OF AN EXISTING CAMERA SITE**

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

WHEREAS, the City Council in 2019 established a pilot program for license plate reader (LPR) and security cameras within the City of Riverbank partnering with Epic I/O formerly known as IntelliSite LLC; and

WHEREAS, the City of Riverbank has experienced numerous efficiencies and benefits from the pilot program over the past two calendar years; and

WHEREAS, the program is generally regarded as highly successful and has led to many positive public security outcomes within Riverbank; and

WHEREAS, staff has identified three new site locations to increase city-wide camera and license plate reader (LPR) coverage; and

WHEREAS, one existing site is being proposed to be relocated in order to increase the effectiveness of the program; and

WHEREAS, the cost for the additional camera locations and electrical would be funded through the General Fund; and

WHEREAS, the proposed three (3) site camera locations cost, and one (1) site relocation cost would increase the City’s annual subscription cost by \$45,660 and a one-time installation/relocation/power/shipping cost of \$17,100.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the City Manager to sign an agreement with Epic I/O to add three additional camera sites to the City of Riverbank Security Camera and LPR (License Plate Reader) System to co-term with our existing master service agreement that expires on August 31, 2028, relocate an existing site at Oakdale/Westgate to Oakdale/Morrill, and authorize the electrical work at Oakdale Rd and Freddi Ln and Oakdale Rd and Morrill Ave.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of September, 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: Amendment to Master Subscription Agreement

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date: September 10, 2024

Subject: Resolution of Concurrence and Support of the Fiscal Year 2023-2024 Stanislaus HOME Consortium and Stanislaus Urban County Consolidated Annual Performance and Evaluation Report (CAPER)

From: Marisela H. Garcia, City Manager

Submitted by: Lety Ibanez, Housing Specialist

RECOMMENDATION

It is recommended that the City Council hold a Community Meeting to gather input on the Fiscal Year 2023-2024 HOME Program and Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) prepared by Stanislaus County.

SUMMARY

Stanislaus County, in partnership with the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, and Waterford 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. The Stanislaus Urban County members and the City of Turlock also form the Stanislaus HOME Consortium for HOME Investment Partnerships (HOME) Program funding. As required by HUD, Stanislaus Urban County and the Stanislaus HOME Consortium are required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) to document progress made in accomplishing goals set forth in the Consolidated Plan and Annual Action Plan. The report includes the accomplishments of the individual jurisdictions participating in the Stanislaus County Community Development Block Grant Program (CDBG) Consortium also known as the Stanislaus Urban County for the FY 2023-2024 and the HOME Consortium. The CAPER is located at <http://www.stancounty.com/planning/cdbq/plans-and-reports.shtm>

BACKGROUND

The Draft CAPER was made available for a 15-day review and comment period which began on August 16, 2024 and ends on September 10, 2024. The Draft CAPER is now before the City Council for recommendation of approval to the Stanislaus County Board of Supervisors at their public meeting to be held on September 17, 2024. Upon approval by the Board of Supervisors, the CAPER will be submitted to HUD for final certification.

As identified in the Annual Action Plan (AAP), the City of Riverbank's CDBG allocation for Fiscal Year 2023-2024 is being allocated towards the Water & Sewer Line Installation upgrade in the alley on Riverside Dr. and High St. from the Corp Yard to 4th St. Due to the work scheduled for this project, it requires multiple years of funding.

PROJECT UPDATE

Via the CDBG funding from the Consortium the City is finalizing the NEPA requirements. The project will go out to bid this winter for spring construction.

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

There is no financial impact associated with this report.

ATTACHMENTS

1. Resolution of Concurrence
2. Draft Fiscal Year 2023-24 Consolidated Annual Performance and Evaluation Report (CAPER)

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIVERBANK, CALIFORNIA
OF CONCURRENCE AND SUPPORT OF THE FISCAL YEAR 2023-2024
STANISLAUS HOME CONSORTIUM AND STANISLAUS URBAN COUNTY
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

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

WHEREAS, Stanislaus County, in partnership with the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, and Waterford 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. The Stanislaus Urban County members and the City of Turlock also form the Stanislaus HOME Consortium for HOME Investment Partnerships (HOME) Program funding; and

WHEREAS, the Stanislaus Urban County and Stanislaus HOME Consortium have received CDBG and HOME funds from the U.S. Department of Housing and Urban Development (HUD) for FY 2023-2024; and

WHEREAS, the Stanislaus Urban County and Stanislaus HOME Consortium are required by HUD to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) to document progress made in accomplishing goals set forth in the Consolidated Plan and Annual Action Plan; and

WHEREAS, the Draft CAPER was available for a 15-day public review period from August 16, 2024 to September 10, 2024 to allow the public the opportunity to review and provide comments prior to the public hearing by the Stanislaus County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby adopt a Resolution of Concurrence and Support of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) Fiscal Year 2023-2024 prepared by Stanislaus County.

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

Gabriela Hernandez, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor



Fiscal Year 2023-2024

**Stanislaus HOME Consortium and Stanislaus Urban
County Consolidated Annual Performance
and Evaluation Report (CAPER)**

*for U.S. Housing and Urban Development
Entitlement Programs*

August 2024

**Prepared by:
Stanislaus County
Planning and Community
Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354**

**STANISLAUS HOME CONSORTIUM AND STANISLAUS URBAN COUNTY
FISCAL YEAR 2023-2024 CAPER**



Stanislaus County

Chairman – Mani Grewal
Vice Chairman – Buck Condit
Supervisor Vito Chiesa
Supervisor Terry Withrow
Supervisor Channce Condit



City of Ceres

Mayor Javier Lopez
Vice Mayor Bret Silveira
Councilmember James Casey
Councilmember Rosalinda L. Vierra
Councilmember Daniel A. Martinez



City of Hughson

Mayor George Carr
Mayor Pro Tem Randy Crooker
Councilmember Samuel Rush
Councilmember Julie Ann Strain
Councilmember Alan McFadon



City of Newman

Mayor Casey Graham
Councilmember Laroy McDonald
Councilmember Scott Ball
Councilmember Shane Tomlinson



City of Oakdale

Mayor Cherilyn Bairos
Councilmember Christopher Smith
Councilmember Fred Smith
Councilmember Kayleigh Gilbert
Councilmember Bob Amaral



City of Patterson

Mayor Michael Clauzel
Councilmember Shivaugn Alves
Councilmember Jessica Romero
Councilmember Dominic Farinha
Councilmember Carlos Roque



City of Riverbank

Mayor Richard D. O'Brien
Vice Mayor Leanne Jones Cruz
Councilmember Luis Uribe
Councilmember Rachel Hernandez
Councilmember Darlene Barber-Martinez



City of Waterford

Mayor Charlie Goeken
Vice Mayor Jill Kitchens
Councilmember Jamie Hilton
Councilmember Christine Harris
Councilmember Elizabeth Talbott



City of Turlock

Mayor Amy Bublak
Councilmember Kevin Bixel
Councilmember Rebecka Monez
Councilmember Cassandra Abram
Councilmember Pam Franco

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PROGRAM YEAR – 4

CONSOLIDATED PLAN 2020-2025

2023-2024 STANISLAUS HOME CONSORTIUM & STANISLAUS URBAN COUNTY
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

INTRODUCTION

The 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) constitutes the fourth reporting period (the Fiscal Year covering July 1, 2023 to June 30, 2024) of the Five-Year Consolidated Planning period. Stanislaus County, in partnership with the cities of: Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, and Waterford form the Stanislaus Urban County (hereafter “Urban County”) for purposes of receiving U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and Emergency Solutions Grants (ESG) program funds. The Stanislaus Urban County, in partnership with the City of Turlock for the Stanislaus HOME Consortium for purposes of receiving HUD HOME Investment Partnerships (HOME) funding Stanislaus County serves as lead entity for both the Stanislaus HOME Consortium and the Urban County.

HUD requires the Stanislaus HOME Consortium and Urban County to prepare and adopt a five-year Consolidated Plan (Con Plan) and Annual Action Plans to inform HUD on how the allocated grant funds will be used. At the end of each fiscal year, HUD requires this annual CAPER to report the progress made in accomplishing the goals set forth in the Con Plan, also referred to as a Strategic Plan, and Annual Action Plan (AAP). As a recipient of Neighborhood Stabilization Program (NSP) funding in prior fiscal years, the Urban County reports on NSP program income funds still programmed for use. The projects and activities outlined within this CAPER were administered and overseen by the County’s Department of Planning and Community Development.

In Fiscal Year 2023-2024, the Stanislaus HOME Consortium and Urban County continued focusing on effectively administering and implementing CDBG, ESG, HOME, and NSP programs. HUD funded infrastructure projects continued with a mixture of preliminary design, engineering, environmental assessments, and construction activities. Non-profits were awarded CDBG and ESG funding for delivery of public services and emergency shelter operations continued to provide needed services to the communities most vulnerable populations.

The annual HUD Entitlement program funding allocated to the Stanislaus Urban County in Fiscal Year 2023-2024 were:

CDBG	\$2,335,030
ESG	\$ 208,317
Total:	\$2,543,347

The annual HUD Entitlement program funding allocated to the Stanislaus HOME Consortium in Fiscal Year 2023-2024 was:

HOME \$1,708,364

Fiscal Year 2023-2024 was the first year of the Stanislaus HOME Consortium, the County utilized the year to establish the foundation for identifying projects and expend funding in accordance with HUD requirements. Staff's efforts included working with the City of Turlock to coordinate the programming of unallocated City of Turlock/Stanislaus Urban County HOME Consortium funds (both the annual allocation and program income) held by the City of Turlock and bringing on a consultant to assist the County with program administration of the new Consortium.

In addition to the funding listed above, the CAPER also reports on the use of HUD CDBG and ESG Coronavirus Aid, Relief, and Economic Security (CARES) Act funding awarded to the Stanislaus Urban County in Fiscal Years 2019-2020 and 2020-2021. The CARES Act identified additional funding for the CDBG and ESG programs to prevent, prepare for, and respond to the community impacts of the COVID-19 pandemic.

HUD's distribution plan for CDBG and ESG CARES Act funding included multiple rounds: an initial round (CV1) that would allow for quick access to funding necessary to address the immediate crisis resulting from the pandemic and rounds two and three, CV2 and CV3, that would support post-pandemic community recovery. Below are the amounts that the Stanislaus Urban County was awarded for round one CDBG (CV1) and ESG (CV1), round two ESG (CV2), and round three CDBG (CV3) funding:

CDBG Round One (CV1) Allocation:	\$1,358,994
CDBG Round Three (CV3) Allocation:	\$1,432,755
Total	\$2,791,749

ESG Round One (CV1) Allocation:	\$ 683,103 (Original Award \$698,717)
ESG Round Two (CV2) Allocation:	\$3,292,823 (Original Award \$3,891,785)
Total	\$3,975,926 (Original Award \$4,590,502)*

****\$614,576 in ESG CV funding was recaptured by HUD on March 16, 2022 – see discussion in Board Agenda Item 6.1 on September 12, 2023. [Board Resolution 2023-0469](#)***

CDBG, ESG, NSP, and HOME funds are designed to primarily serve the low-income community as defined by the Area Median Income (AMI) limits per program for Stanislaus County as determined by HUD. Funds are used by the Stanislaus HOME Consortium and Urban County to meet the following goals of the Con Plan:

1. Increase and improve supply of affordable housing
2. Work to end and prevent homelessness
3. Improve infrastructure and public facilities
4. Provide public services
5. Community emergency responses
6. Administration

In Fiscal Year 2023-2024, the Stanislaus HOME Consortium and Urban County continued to collaborate with the Stanislaus Community System of Care (CSOC), the local federally recognized Continuum of Care (CoC), on homeless services and programs. A CoC is an integrated system of care that guides and tracks homeless individuals and households through a comprehensive array of housing and services designed to prevent and end homelessness. Services supported with ESG funding are brought to the local CoC for feedback and to ensure coordination with countywide efforts to address homelessness.

The County's Department of Planning and Community Development has also served as the Administrative Entity for the local CoC for state ESG (CA-ESG) since 2017. The department works with the CoC to identify service needs and allocates the CA-ESG funding through its annual grant application process that is later described in the CAPER. On average the local CoC area receives approximately \$280,000 annually in CA-ESG funding.

This CAPER is presented in the template format generated by HUD which includes a series of questions and answers in relation to specific program funding received by the Stanislaus HOME Consortium and Urban County. The information provided in the CAPER is limited to the specific questions that HUD requires of Stanislaus County as the lead entity and does not address any other federal or state funding received by the members of the Stanislaus HOME Consortium and Urban County. The CAPER is submitted through HUD's Integrated Disbursement and Information System (IDIS) which limits the length of responses to each question.

CR-05 – GOALS AND OUTCOMES

PROGRESS THE JURISDICTION HAS MADE IN CARRYING OUT ITS STRATEGIC PLAN AND ITS ACTION PLAN. 91.520(A)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The priorities identified in the Con Plan are public infrastructure, economic development, affordable housing, public services, and community emergency response to COVID-19. In many neighborhoods and communities throughout the planning area, public infrastructure (sewer, curb, gutter, sidewalk, storm drainage, etc.) is minimal or non-existent, causing this to be a high priority need. All of the Stanislaus Urban County members utilize CDBG funds for infrastructure improvement projects in an effort to improve the quality of life for residents in and around the project areas.

Through the CDBG Public Services Grant (PSG) (CDBG-PSG) program, the Urban County set aside approximately 10% of its annual CDBG allocation for programs that provide services to low to moderate-income households (families or individuals). In Fiscal Year 2023-2024, a total of \$233,503 in funding was awarded to nine public service programs to carry-out a number of needed services that included assistance to the homeless and those at risk of becoming homeless. Approximately 3,111 individuals received some form of service, CDBG PSG funded programs ranging from meals and shelter for low-income households to emergency food assistance.

Throughout Fiscal Year 2023-2024, the Urban County and the local CoC worked together on strengthening efforts to address and collaborate on homeless issues. Those efforts included working with the CoC and other entitlement jurisdictions to:

- Oversee and monitor programs for federal compliance
- Support the Coordinated Entry System (CES)
- Support the Homeless Management Information System (HMIS)
- Update local CES policies and procedures

In Fiscal Year 2020 CDBG CV1 and ESG CV1 were awarded and in 2021 CDBG CV3 and ESG CV2, the second round of CARES funding, were awarded through a competitive grant application process. A total of 12 programs provided by eight service providers were funded CDBG CV funding and four activities by four service providers were funded ESG CV funds, including one shelter rehabilitation project. A total of 377 individuals were assisted with annual ESG funds and a total of 20 additional shelter beds were constructed with ESG CV funds. The outcomes for these CARES funded programs are included in the Fiscal Year 2023-2024 CAPER.

COMPARISON OF THE PROPOSED VERSUS ACTUAL OUTCOMES FOR EACH OUTCOME MEASURE SUBMITTED WITH THE CONSOLIDATED PLAN AND EXPLAIN, IF APPLICABLE, WHY PROGRESS WAS NOT MADE TOWARD MEETING GOALS AND OBJECTIVES. 91.520(G)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

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Consolidated Plan Accomplishments					Strategic Plan to Date			Program Year 4		
Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected	Actual	Percent Complete	Expected	Actual	Percent Complete
Administration	Other-Administration	CDBG: \$472,339 ESG: \$15,623 HOME: \$170,836 CDBG CV1: \$271,796 CDBG CV3: \$286,551 ESG CV1: \$54,257.28 ESG CV2: \$343,335.32	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Community Emergency Response Program	Other-Emergency Assistance	CDBG CV1: \$1,087,198 CDBG CV3: \$1,146,204 ESG CV1: \$628,846 ESG CV2: \$2,838,825	Rapid Re-Housing	Households Assisted	385	35	9%	10	0	0%
			Homeless Persons Overnight Shelter	Persons Assisted	970	1,631	129.2%	300	377	125.6%
			Homeless Prevention	Persons Assisted	900	27	2.5	10	4	40%
			Other	Other	4,361	6,230	97.4%	1,000	1,979	197.9%
Improve Public Infrastructure	Non-Housing Community Development	CDBG: \$1,862,691	Infrastructure Activities	Households Assisted	7,500	1,061	14.1%	1,500	250	16.6%
Provide Public Services	Homeless Non-Homeless Special Needs	CDBG Public Services: \$233,503	Public service activities other than Low/Moderate-Income Housing Benefit	Persons Assisted	7,000	10,553	106.3%	3,000	3,111	103.7%
Work to End and Prevent Homelessness	Homeless	ESG: \$192,694	Other	Other	2,100	1,757	65.7%	305	377	123.6%
*Affordable Housing	Affordable Housing	HOME: \$1,537,528	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 1 – Consolidated Plan Accomplishments – Program Year 4 and Strategic Plan to Date

*The Affordable Housing goal is in the FY 2020-2025 Con Plan as a goal for the overall City of Turlock/Stanislaus Urban County HOME Consortium, which was administered by the City of Turlock until July, 1, 2023. All HOME Program funded projects, housing goals and related activities that were funded prior to June 30, 2023 are reported in the City of Turlock’s CAPER and any HOME funded projects after that are reported by the County on behalf of the Stanislaus HOME Consortium.

ASSESS HOW THE JURISDICTION'S USE OF FUNDS, PARTICULARLY CDBG, ADDRESSES THE PRIORITIES AND SPECIFIC OBJECTIVES IDENTIFIED IN THE PLAN, GIVING SPECIAL ATTENTION TO THE HIGHEST PRIORITY ACTIVITIES IDENTIFIED.

The Con Plan identifies public infrastructure and facility improvements, affordable housing, community and economic development, public services, homeless services, and community emergency response as the high priority needs. Consistent with these priorities, the following activities were undertaken this past fiscal year:

- Each Urban County member continued with the design, engineering, and construction of various public infrastructure projects contributing to the improvement of neighborhoods.
- Continued to fund public service programs through a competitive grant process to assist non-profits that aid low- and moderate-income persons in need of services (i.e., food, shelter, and youth services).
- Continued to oversee awarded grants, to non-profits, that were offered through a competitive process to assist the community to prepare, prevent, and protect its residents, service providers, and businesses from the impact of COVID-19.
- A consultant contract for technical assistance in establishing program policies and procedures and development of a Request for Proposals (RFP) for housing development projects and services was executed and efforts are underway in establishing the program's administrative foundation.

The following service provider's expenditures and outcomes are reflected in the CAPER:

CDBG-PSG Program Funded Service Providers (Fiscal Year 2023-2024)

Court Appointed Special Advocates of Stanislaus County - Direct Services Project	\$25,944.77
Center for Human Services - Westside Family Resource Centers Supportive Services	\$25,944.77
Children's Crisis Center of Stanislaus County - Guardian House	\$25,944.77
Children's Crisis Center of Stanislaus County - Marsha's House	\$25,944.77
Children's Crisis Center of Stanislaus County - Verda's House	\$25,944.77
Haven Women's Center of Stanislaus-Haven Emergency Shelter Program	\$25,944.77
United Samaritans Foundation - Daily Bread Mobile Lunch Program - Ceres/Keyes	\$25,944.77
United Samaritans Foundation - Daily Bread Mobile Lunch Program - Hughson	\$25,944.77
United Samaritans Foundation - Daily Bread Mobile Lunch Program - Westside	\$25,944.77

2022 ESG Program Funded Service Providers

Center for Human Services - Youth Low Barrier Shelter Program	\$79,364
Community Housing and Shelter Services - Rental Assistance Program	\$90,000
We Care Program -Turlock - Emergency Shelter Program	\$22,645

2023 ESG Program Funded Service Providers

Community Housing and Shelter Services – Rental Assistance Program	\$88,010.40
We Care Program – Turlock - Emergency Shelter Program	\$104,683.60

CDBG CV1 Program Funded Service Providers

Cambridge Academies - Enterprise Connection Program	\$201,731.50
Center for Human Services - Family Resource Center Concrete Support	\$201,731.50
Children's Crisis Center - CDBG CARES Program	\$170,691.50
Family Promise of Greater Modesto - Rent/Utility Assistance Program	\$201,731.50

Salvation Army - Red Shield - Feed the Need Program	\$201,731.50
United Samaritans Foundation - Employee Hazard Pay	\$109,578.50

CDBG CV3 Program Funded Service Providers

Cambridge Academies - HOST House Shelter Program	\$200,000
Cambridge Academies - Naomi's House Shelter Program	\$200,000
Center for Human Services - Family Resource Center Concrete Support	\$200,000
Community Housing and Shelter Services - Rental Assistance Program	\$180,000
Haven Women's Center of Stanislaus-Haven Emergency Shelter Program	\$166,204
Salvation Army - Red Shield- Feed the Need Program	\$200,000

ESG CV1 Program Funded Service Providers:

Community Housing and Shelter Services - Rental Assistance	\$244,615.34
Family Promise of Greater Modesto - Shelter to Solutions	\$264,615.33
We Care Program – Turlock - Emergency Shelter Program	\$119,615.33

ESG CV2 Program Funded Service Providers:

United Samaritans Foundation - Shelter Renovation Project	\$2,500,000
We Care Program - Turlock - Emergency Shelter Program	\$338,824.86

As the Urban County's lead entity, county staff administratively supported all of the Urban County members on their paths towards meeting the goals identified by the community during the Con Plan process. The competitive grant review process utilized a Grant Review Panel made up of representatives from each of the Urban County's members and the CSOC to assure progress towards meeting the Con Plan's priorities and addressing community needs.

CR-10 – RACIAL AND ETHNIC COMPOSITION OF FAMILIES ASSISTED

DESCRIBE THE FAMILIES ASSISTED (INCLUDING THE RACIAL AND ETHNIC STATUS OF FAMILIES ASSISTED). 91.520(A)

Race/Ethnicity	CDBG	Percentage	ESG	Percentage	HOME	Percentage
White	2,765	88.87%	233	61.80%	0	N/A
Black or African American	130	0.41	29	7.69	0	N/A
Asian	52	1.6	5	1.32	0	N/A
American Indian or American Native	27	0.86	6	1.59	0	N/A
Native Hawaiian or Other Pacific Islander	9	0.28	2	0.53	0	N/A
Other	128	4.11	102	27.05	0	N/A
Refused to Answer	-	-	-	-	0	N/A
Total	3,111	100	377	100	0	N/A
Hispanic	1,786	57.40	98	25.99	0	N/A
Not Hispanic	1,325	42.59	279	74	0	N/A

Table 2 – Table of Assistance to Racial and Ethnic Populations by Source of Funds

Race/Ethnicity	CDBG CV	Percentage	ESG CV	Percentage
White	1,615	81.60%	233	62.46%
Black or African American	155	7.83	29	7.77
Asian	17	0.85	5	1.34
American Indian or American Native	23	1.16	6	1.60
Native Hawaiian or Other Pacific Islander	14	0.70	2	0.53
Other	155	7.83	98	26.27
Refused to Answer	-	-	-	-
Total	1,979	100	373	100
Hispanic	1,415	71.50	94	25.20
Not Hispanic	564	28.49	279	74.79

Table 2 A – Table of Assistance to Racial and Ethnic Populations by Source of Funds

NARRATIVE

The Urban County identifies priority needs and offers services and programs to eligible individuals and households regardless of race and ethnicity. Tables 2 and 2 A above reflect the CDBG-PSG and the ESG programs for Fiscal Year 2023-2024 and is generated by the HUD CAPER template and the information reported reflects demographic information provided by participants and recorded in the HUD Integrated Disbursement and Information System (IDIS) reporting system.

Through CDBG-PSG funds there were several non-profits that addressed the needs of special populations in the Urban County. Of the total 3,111 individuals assisted, approximately 802 individuals with disabilities were assisted with emergency food, shelter, and/or utility assistance. Among the total assisted individuals, there were also 669 female head of households, 109 were veterans, 1,111 were seniors, 305 were domestic violence victims, and 996 were homeless. Of those assisted four were provided with homeless prevention services, 705 were provided case management, and 2,826 were provided emergency food assistance.

Through ESG funds there were several non-profits that assisted homeless persons and families, both the chronically homeless populations and temporarily homeless households, make a transition to permanent housing and independent living. While enrolled in these programs, case managers worked with each household to set goals and work on a housing action plan in order to identify and connect with any needed services such as: Temporary Assistance for Needy Families (TANF), food stamps, Veteran's benefits, future employment opportunities, etc. Throughout the fiscal year, ESG homeless prevention and rapid re-housing funds placed four homeless individuals into permanent housing with all four being stably housed by the end of the fiscal year. The ESG funded programs assisted a total of 377 individuals throughout the fiscal year.

ESG funds were also used to provide emergency shelter to homeless individuals and households. Clients that showed progress and motivation toward self-sufficiency receive extended case management in conjunction with rapid re-housing assistance funds to assist in the placement of job and permanent housing.

IDENTIFY THE RESOURCES MADE AVAILABLE.

Source of Funds	Resources Made Available	Amount Expended During Program Year- Program Year 2023
CDBG	\$2,370,213	\$898,058.55
ESG 2023	\$207,577	\$118,804.50
ESG 2022	\$128,213	\$128,213
HOME	\$1,537,528	0
CDBG CV1	\$1,358,994	\$564,293.37
CDBG CV3	\$1,432,755	\$678,945.20
ESG CV1	\$683,103.28	\$683,103.28
ESG CV2	\$3,182,160.18	\$3,182,160.18

Table 3 – Resources Made Available

NARRATIVE

In Fiscal Year 2023-2024, the annual entitlement CDBG, HOME and ESG funding and CARES Act CDBG and ESG funding, in the amounts identified in *Table 3 – Resources Made Available*, continued to provide much needed public services in the community and helped to alleviate the impact of COVID-19. Collectively, CDBG and ESG funding assist the Urban County in addressing infrastructure needs and to provide services to the most vulnerable of our community. When other resources are available, Urban County members leverage CDBG funds with local, state, or other federal funds. In Fiscal Year 2023-2024, CDBG and ESG activities leveraged \$5,539,532.21 and \$1,459,484 respectively to support service delivery. There was no HOME funding expended in Fiscal Year 2023-2024 and there is no match or leveraged funding to report.

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IDENTIFY THE GEOGRAPHIC DISTRIBUTION AND LOCATION OF INVESTMENTS

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Ceres	16	16	Infrastructure, Public Services and Economic Development
Newman	9	9	Infrastructure, Public Services and Economic Development
Oakdale	10	10	Infrastructure, Public Services and Economic Development
Patterson	11	11	Infrastructure, Public Services and Economic Development
Riverbank	9	9	Infrastructure, Public Services and Economic Development
Stanislaus Urban County	20	20	Infrastructure, Public Services and Economic Development
Unincorporated Stanislaus County	8	8	Infrastructure, Public Services and Economic Development
Waterford	9	9	Infrastructure, Public Services and Economic Development
Hughson	8	8	Infrastructure, Public Services and Economic Development
Turlock	N/A	N/A	Affordable Housing and Services

Table 4 – Identify the Geographic Distribution and Location of Investments

NARRATIVE

CDBG funding is allocated among all the Urban County’s members based on a population and poverty formula, along with an equitable amount of funding for administration. Stanislaus County, as lead entity, receives a greater percentage of funding for administration. Each member sets their own priority for public infrastructure projects. In many neighborhoods and communities within the Urban County’s planning area, public infrastructure is minimal or non-existent, causing this to be a high priority need. Infrastructure such as sewer, water, curb, gutter, sidewalk, and storm drainage are typical development standards in newer neighborhoods but are non-existent or antiquated in older neighborhoods. The Urban County members each use the majority of their annual CDBG entitlement funds for infrastructure improvement-related projects. CDBG-PSG and ESG funding, annual entitlement and CARES Act awards, are made available for use throughout the entire Urban County planning area. CDBG annual entitlement funding is also used to fund fair housing services throughout the Urban County.

HOME funding is allocated among all the Stanislaus HOME Consortium members based on a population and poverty formula for activities. All members are given the opportunity to propose projects using their HOME allocation, with a requirement that funding for the project(s) must be encumbered for use within six months of the beginning of each fiscal year. Unencumbered funds will be utilized by the County, as lead entity, in delivery of eligible housing programs and projects. Programs and projects will be developed through the release of request for proposal (RFP) for housing rehabilitation services, down payment assistant services, and general affordable housing projects for the entire Stanislaus HOME Consortium. Stanislaus County will retain an ongoing list of projects, developed from RFPs (to be released to developers, realtors, and with others interested in participating in affordable housing development) seeking funding for projects. The project list will be prioritized based on community need, project feasibility (i.e., funding, entitlements, design stage, etc.), and time frame for full implementation.

LEVERAGING

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

LEVERAGING RESOURCES

In Fiscal Year 2023-2024, CDBG and ESG activities leveraged \$5,539,532 and \$1,459,484 respectively to support service delivery. The sources of leveraged funding included: private donations, other local funding, program income, and in-kind donations. Match was not required of the CARES Act CDBG and ESG funded service providers during the fiscal year, however, awarded agencies were still required to report the amounts were still provided to County staff.

Under the NSP program, the Urban County was provided funding to mitigate the negative effects of high foreclosure rates. The program design took foreclosed and vacant homes that were deteriorating due to neglect, and in turn rehabilitated the homes utilizing local workers and material suppliers. The homes were then resold to qualified first time homebuyers and the sales proceeds were retained by the Urban County as Program Income (PI); along with the future repayment of first-time down payment assistance provided by the NSP program. NSP PI is available for housing development activities, including the Abandoned and Dangerous Buildings program.

Collectively, the leveraging of resources assists the Urban County in addressing its affordable housing and infrastructure needs; and to provide services to the most vulnerable of our community.

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FISCAL YEAR SUMMARY – HOME MATCH

Excess match from prior Federal fiscal year	\$0
Match contributed during current Federal fiscal year	\$0
Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$0
Match Liability for current Federal fiscal year	\$0
Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$0

MATCHING

Under the annual entitlement ESG program (federal and state), 50% of the costs related to the projects are reimbursed and the remainder of the costs paid by non-ESG match funding sources (i.e., local unrestricted donations). In this manner, the subrecipient in turn commits their dollar-to-dollar match by paying the remainder of the expenses from non-ESG sources. County staff reviews quarterly ESG statistical tables, narratives, HMIS activity reports, request for funds forms, and budget printouts that identify the total funds used/requested by each grantee during that reporting period. County staff verifies and cross-references the information with IDIS on the quarterly budget activity reports. Monitoring visits are also scheduled quarterly by County staff for each grantee to ensure appropriate expenditure of funds. As part of the ESG monitoring process invoices and accompanying receipts are reviewed for reimbursement eligibility.

The HOME Program requires that a contribution or match of no less than 25 cents for each dollar of HOME funds be spent on affordable housing. HOME housing development projects selected through an RFP process will be subject to meeting the match requirement.

CR-20 – AFFORDABLE HOUSING 91.520(B)

EVALUATION OF THE JURISDICTION’S PROGRESS IN PROVIDING AFFORDABLE HOUSING, INCLUDING THE NUMBER AND TYPES OF FAMILIES SERVED, THE NUMBER OF EXTREMELY LOW-INCOME, LOW-INCOME, MODERATE-INCOME, AND MIDDLE-INCOME PERSONS SERVED.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	5	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	5	0

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	5	0
Number of households supported through Acquisition of Existing Units	0	0
Total	5	0

Table 6 – Number of Households Supported

DISCUSS THE DIFFERENCE BETWEEN GOALS AND OUTCOMES AND PROBLEMS ENCOUNTERED IN MEETING THESE GOALS.

As the first year of the Stanislaus HOME Consortium, efforts were focused on establishing the program foundation which included contracting with a housing services provider to assist with preparing policies and procedures and a Request for Proposals (RFP) for housing development projects and services. Efforts included collaborating with the City of Turlock to develop a joint Request for Proposals (RFP) for housing development and services that recognizes funding from the prior HOME Consortium that are still administered by the City of Turlock. The RFP will be released in Fiscal Year 2024-2025 and will include the HOME allocations for 2023 and 2024.

DISCUSS HOW THESE OUTCOMES WILL IMPACT FUTURE ANNUAL ACTION PLANS.

The Stanislaus HOME Consortium will continue to coordinate at a regional level with the Stanislaus Regional Housing Authority (SRHA), non-profit housing developers, the CSOC (and participating agencies with housing funds), and other entitlement jurisdictions (City of Modesto) to address affordable housing issues as well as homeless prevention strategies. New sources of funding for the planning and development of affordable housing have been made available at the state level and several planning efforts are underway throughout Stanislaus County to accelerate affordable and market-rate housing in Stanislaus County; however, while the new source of funding will aid the efforts to address affordable housing needs, the high cost of developing affordable housing will remain a challenge in getting actual units developed in the volume needed.

New state funding, however, is becoming increasingly dependent on the state certification of jurisdictions (cities and counties) General Plan Housing Elements. During Fiscal Year 2023-2024, the members of the Stanislaus HOME Consortium and Urban County undertook a variety of activities associated with contracting with housing element consultants, preparing, circulating, and seeking state certification of their respective housing elements. In November 2023, Stanislaus County released the Housing Stanislaus report, an Initiative undertaken by the County in collaboration with the nine cities within Stanislaus County and held a Housing Summit focus to highlight the barriers and solutions to increasing housing development throughout Stanislaus County. The Summit included presentations by state and industry leaders in the areas of housing trusts and missing middle housing.

With respect to HUD funding, there are simply not enough funds available from the yearly CDBG and HOME allocation or remaining NSP PI to make any significant impact on the Stanislaus HOME Consortium's affordable housing need. The Urban County will continue to use its annual CDBG allocation to: improve the public infrastructure needed to preserve existing affordable housing and support new affordable housing, and to provide fair housing services to assist with tenant/landlord issues. Moving forward in Fiscal Year 2024-2025 the HOME Consortium members will combine their 2023 and 2024 HOME allocations to solicit housing development projects through the RFP process.

INCLUDE THE NUMBER OF EXTREMELY LOW-INCOME, LOW-INCOME, AND MODERATE-INCOME PERSONS SERVED BY EACH ACTIVITY WHERE INFORMATION ON INCOME BY FAMILY SIZE IS REQUIRED TO DETERMINE THE ELIGIBILITY OF THE ACTIVITY.

Number of Persons Served	CDBG Actual	Percentage	HOME Actual	Percentage
Extremely Low-income	2,559	82%	0	0%
Low-income	549	17%	0	0%
Moderate-income	3	1%	0	0%
Total	3,111	100%	0	0%

Table 7 – Number of Persons Served

NARRATIVE

The Urban County does not use CDBG funds directly for affordable housing development but does provide CDBG-PSG and ESG funding to assist the homeless and those at risk of becoming homeless with housing needs. ESG demographical information for Fiscal Year 2023-2024 is shown in CR- 65 Persons Served.

In Fiscal Year 2023-2024, 3,111 individuals received services from the five non-profit service providers awarded CDBG PSG funding and 1,979 individuals received services from the eight non-profit service providers awarded CDBG CV funding. Services received included: emergency food assistance, utility assistance, respite childcare, case management, shelter services, education classes, and resource referrals.

During Fiscal Year 2023-2024, a total of 58 clients with special needs were assisted in obtaining shelter services through ESG funded programs and a total of four individuals were assisted with ESG funds in finding affordable rental housing.

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EVALUATE THE JURISDICTION'S PROGRESS IN MEETING ITS SPECIFIC OBJECTIVES FOR REDUCING AND ENDING HOMELESSNESS THROUGH:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs.

Throughout Fiscal Year 2023-2024, the Urban County utilized CDBG PSG and ESG funding to implement outreach strategies to assist in addressing the homeless population. The Urban County awarded grants to non-profit homeless service providers to provide: homeless prevention, case management, food, shelter, and rapid re-housing. All grantees are required to actively participate in the CSOC in an effort to enhance the coordinated outreach and engagement efforts to the homeless population. The Urban County continues to be actively involved in the development and planning of the local CSOC's outreach and engagement efforts to identify needs and gaps in services for the homeless. The CSOC has developed a system for coordinated intake, assessment, and referral that fully complies with federal CoC requirements.

In Fiscal Year 2023-2024, ESG funding was provided to non-profit service providers to assist with Homeless Management Information System (HMIS) data entry. During the fiscal year, a total of 373 individuals were sheltered and four individuals obtained housing through ESG funded programs. All Stanislaus Urban County ESG funded non-profits maintain client information in the HMIS system and track the progress of the clients while in the programs. Once out of the programs, progress is difficult to track due to lack of funding to pay for the cost of follow-up.

In addition to federal ESG funding, the County's has also served as the Administrative Entity for the local Continuum of Care (CoC) for California Emergency Solutions Grants (CA-ESG) funding since 2017. CA-ESG funding administered in Fiscal Year 2023-2024 included the annual allocation and the continued expenditure of CA-ESG CARES Act funding used throughout Stanislaus County.

Activities undertaken in Fiscal Year 2023-2024 utilizing CA-ESG CARES Act funding included the final quarter (July 1, 2023 through September 30, 2023) of emergency shelter and street outreach activities, including a youth low barrier shelter with a navigation center that coordinates the needs of homeless and emancipated youth.

The following two programs were funded with CA-ESG CARES Act funding and provided services throughout Stanislaus County:

- Stanislaus County Behavioral Health and Recovery Services (BHRS) Community Program. Through a subcontract with Turning Point Community Program (TPCP), BHRS provided a comprehensive whole person approach program to assist individuals to access shelter in collaboration with the County's Access Center and Emergency Shelter (ACES) and other community homeless outreach partners. The program provides the following services for the homeless: rehabilitation support, case management, psychiatric medication outreach support services, employment and housing assistance, substance use linkage, intervention and supports, and other services and support critical to an individual's ability to access shelter placement. A total of 748 homeless individuals were assisted during the fiscal year.

- Stanislaus County Probation Department's Community Assessment Response and Engagement (CARE) Team. The CARE Team facilitates the identification, assessment, and linkage of homeless clients to housing and supportive services. In addition, case managers broker access to services and community supports and ensure that each client is tracked throughout the entire engagement process for continuity of care. The program consists of an Outreach Coordinator, three case managers and a licensed nurse.

The case manager positions are filled by three Behavioral Health Specialists. The specialists link homeless clients to community resources and provide case management services. Their duties include linking homeless clients to a primary care physician to facilitate medical appointments and transportation to COVID-19 vaccination sites. They follow up with clients to ensure they receive up to two doses and booster vaccines, if eligible. In addition, they link clients to mental health services and medical services. They also provide support and advocacy for homeless clients, while ensuring they address their level of needs.

The nurse position is filled by a Public Health Nurse. The nurse provides COVID-19 vaccines to homeless individuals in the community, assists with educating the homeless population regarding COVID-19 transmission and prevention. The nurse also conducts rapid COVID-19 tests in the community and assists with contact tracing regarding homeless individuals. A total of 2,161 homeless individuals were assisted during the fiscal year.

The members of the Stanislaus HOME Consortium and Urban County, through its participation in the CSOC, continues to be engaged in homeless discharge coordination from health care facilities through the Stanislaus County Hospital and Shelter Partners (SCHSP) meetings. Since April 2019, the Hospital Council of Northern California has coordinated SCHSP monthly meetings with representatives from local hospitals, homeless shelters, public agencies, and stakeholder groups to plan for the discharge of homeless individuals from health care facilities to comply with SB 1152. The objective has been to create a community standard of care and greater connection and cooperation between discharging and receiving providers of services for the homeless.

Addressing the emergency shelter and transitional housing needs of homeless persons.

Throughout Fiscal Year 2023-2024, the Urban County provided CDBG-PSG and ESG grant funding to various emergency shelters and housing service providers to address emergency shelter needs of homeless persons and households. A number of the emergency shelter clients subsequently received rapid re-housing assistance and became stably housed.

The Stanislaus HOME Consortium and Urban County have been working in collaboration with the local CoC, currently recognized as the CSOC, for over 23 years to improve services for the homeless and those at risk of homelessness. This collaborative is comprised of the Stanislaus Regional Housing Authority (SRHA), the City of Turlock, the City of Modesto, various County's Departments (Behavioral Health and Recovery Services [BHRS], Community Services Agency [CSA], and Planning & Community Development), shelter providers, housing and housing counseling services providers, faith-based organizations, and over a dozen housing and supportive service providers.

The HMIS sub-committee of the CSOC, has continued to work diligently throughout the fiscal year to improve the data quality of the current HMIS system. Through ESG funding from the Urban County, Community Housing and Shelter Services (CHSS) has entered non-HUD funded homeless service providers

client information into the HMIS system. This data allows the CSOC's homeless data collection to be a much more valuable tool for tracking individuals patterns into and out of homelessness. Improving data quality will allow funding to be prioritized based on trends of homeless populations within Stanislaus County.

The County was able to provide support through ESG CV funds to two shelter facilities, three shelter programs, and the rehabilitation of a shelter facility (We Care Program, Turlock) to provide an additional 20 beds, completed in Fiscal Year 2023-2024. In addition to adding beds, the We Care Program shelter project, also included rehabilitating the dining hall to provide overflow beds during excessive heat and cold weather and to allow the shelter to expand its services as a day navigation center.

In total, CA-ESG CV funds were used during the fiscal year to support operations and services to 11 shelter facilities.

While not funded by the Urban County, the following are some of the facilities available, and efforts undertaken, during the fiscal year to address the emergency shelter and transitional housing needs of homeless persons countywide:

Access Center Emergency Shelter (ACES)

The Access Center Emergency Shelter (ACES), located in the City of Modesto, is a 182 bed, low-barrier, shelter focused on providing shelter to the most vulnerable unsheltered population by decreasing common barriers to individuals accepting shelter service, such as, pets, partners, and possessions. ACES opened November 26, 2019 and operated by the Salvation Army through an agreement approved by the Board of Supervisors on October 1, 2019. Included in the bed count is a 22-bed dorm area available for those individuals experiencing homelessness that suffer from a significant mental illness. This dorm-style room reduces instances of victimization and increases the efficacy of therapeutic intervention. The County's Community Assessment Response and Engagement (CARE) Team is also able to use the location to provide case management and shelter to the most vulnerable unsheltered individuals. ACES has also afforded an opportunity for the most vulnerable unsheltered population to be sheltered and connected with case management services, with a strong emphasis on assisting shelter guests to become document ready for entry into the community's coordinated entry housing continuum. Additionally, Stanislaus County Animal Services Agency partnered with ACES to create a healthy pets program. This program provides pet food, crates, and animal health services to pets residing at ACES. A total of 641 homeless individuals were provided shelter services this fiscal year.

Empire Cold Weather Family Shelter

The Empire Cold Weather Family Shelter, located in the community of Empire, was initiated by the County's Community Services Agency (CSA) in November 2018 as a partnership with the SRHA. The target population served are families who are currently being case managed in CSA Housing Support Program (HSP) unit, have used all available temporary shelter nights, are still engaged in the search for permanent housing and have been unsheltered the longest based on date of referral to the HSP program.

CSA works in partnership with Community Housing and Shelter Services (CHSS) for placement of families at the Empire Cold Weather Family Shelter and has an existing contract with CHSS to

administer, arrange and facilitate temporary housing services to CalWORKs and Welfare-to-Work eligible families. CHSS also provides case management services, which include assisting and educating participants on their income, household budgets, and housing options; aiding participants in completion of housing applications and landlord outreach; and providing housing search workshops.

The Empire Migrant center consists of 90 dwelling units used for farmworker housing from April to October each year. This project allows CSA to use 22 units during the months of November through March. In Fiscal Year 2023-2024 20 families and 77 individuals were served with case management services. Of the families served, 81% received permanent housing.

Family Housing Facility (FHF)

In November 2019, CSA began leasing a motel, located in Modesto area, to operate a year-round family shelter using the model implemented at the Empire Cold Weather Family Shelter. The property has 23 units and a three-room office space.

CSA works in partnership with CHSS for placement at FHF. CHSS services include primary case management oversight which include: assisting participants with household budget, understanding their income, housing options, completing housing application, landlord outreach and housing search workshops, working with families to remove barriers to self-sufficiency, and connecting families to applicable and relevant community resources.

In Fiscal Year 2023-2024, the FHF program, running at full capacity, served 42 families receiving case management services and employment services/employment connections.

Access Center

On February 3, 2020, the Access Center, a “hub location” for multiple homeless programs and the entry way into the shelter system, opened in the City of Modesto. The Access Center serves as a one-stop hub and physical entry point for individuals at-risk of or currently experiencing homelessness to access a wide range of co-located homelessness services including centralized homeless outreach and engagement; housing assessments and navigation; and homelessness support services and referrals. The Access Center also employs a “meet you where you are” strategy that has specialized homeless outreach workers meet individuals on the street and in homeless encampment areas and encourages individuals to connect to services.

The following partners are co-located at the Access Center: Center for Human Services; Community Housing and Shelter Services; Community Impact Central Valley; Disability Resource Agency for Independent Living; Downtown Streets Team Modesto; Golden Valley Health Centers; Salvation Army - Modesto; Stanislaus County (Behavioral Health and Recovery Services and Community Services Agency); Telecare Corporation; and Turning Point Community Programs.

Homeless Strategic Plan

The Stanislaus Homeless Alliance (SHA) and CSOC have collaborated to update the Plan to Address Homelessness in Stanislaus County, originally prepared in January 2019. In September 2020, the SHA and the CSOC each appointed three members to serve on a work group to spearhead the

effort. The updated plan, now referred to as the Homeless Strategic Plan, was approved by the CSOC on July 14, 2021 and aims to address the needs of people experiencing homelessness by enhancing community decision-making, supporting organizational and provider capacity, and improving systems coordination. A joint committee made up of members from the CSOC and the SHA has been formed to continue the examination of the plan and begin implementation of the goals outlined in the plan.

The facilities and efforts identified above are ongoing and form a critical piece of the homeless support foundation in Stanislaus County. The Stanislaus Urban County will continue to align its funding strategy with the broader efforts of the CSOC by supporting the service and shelter providers in their efforts to address the emergency shelter and transitional needs of homeless persons.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Throughout Fiscal Year 2023-2024, the Stanislaus Urban County continued to actively participate in the CSOC to ensure CDBG PSG and ESG funding aligned with countywide efforts to help low-income individuals and families to avoid becoming homeless. CSOC efforts include improving the program planning for homeless funding utilization throughout Stanislaus County and working with private hospitals to encourage the incorporation of rental assistance and case management into discharge planning. CSOC representatives actively collaborate with the County Sheriff's Office and the Probation Department to identify services available for recently discharged parolees to help prevent homelessness among that population. Non-profits awarded CDBG PSG and ESG funding are required to participate in the CSOC as part of the effort to ensure alignment with the broader community efforts to address homelessness and to allow for education opportunities on new community programs that can add value to existing programs.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The Urban County partnered with CHSS, CHS, and the We Care Program to help homeless individuals and families make a transition to permanent housing and independent living. With the use of ESG grant funds, both the chronically homeless populations and temporarily homeless households were provided the opportunity to be placed into permanent housing. While enrolled in these programs, case managers work with each household to set goals and work on a housing action plan in order to identify and connect with any needed services, such as: Temporary Assistance for Needy Families (TANF), Food Stamps, Veteran's Benefits, future employment opportunities, etc. Throughout Fiscal Year 2023-2024, ESG shelter, homeless prevention, and rapid re-housing funds placed 37 homeless individuals into permanent housing. At the end of the fiscal year, four of those individuals were stably housed.

Center for Human Services and the We Care Program utilized ESG funds to provide emergency shelter to homeless individuals. Clients that showed progress toward self-sufficiency received extended case management in conjunction with rapid re-housing assistance funds to assist in the placement of job and permanent housing placement.

CR-30 - PUBLIC HOUSING 91.220(H); 91.320(J)

ACTIONS TAKEN TO ADDRESS THE NEEDS OF PUBLIC HOUSING.

In California, public housing is administered directly through local Public Housing Authorities (PHAs). The Stanislaus Regional Housing Authority (SRHA) is the largest property manager of multi-family and single household public housing units for the lower income population of Stanislaus County. The SRHA also serves as the administrator of the Housing Authority of the City of Riverbank. The SRHA is committed to providing decent affordable housing to its residents and, in doing so, the SRHA keeps public housing units in favorable conditions so that its residents have a safe and healthy living environment. According to the SRHA 2023 PHA Plan, the SRHA currently operates a combined total of 5,576 units (647 public housing units and 4,929 housing choice vouchers) as the SRHA and a combined total of 90 units (all public housing units) as the Housing Authority of the City of Riverbank. The Housing Authority of the City of Riverbank operates 60 units for seniors and 30 family units for low-income households.

Of 4,929 vouchers in Stanislaus County, 212 vouchers are specifically for homeless veterans (Veterans Affairs Supportive Housing [VASH] vouchers), 270 vouchers are specifically for reunifying families that are facing homelessness or living in substandard housing with children removed from the home, 380 are project-based vouchers, and 11 are project-based vouchers for a senior complex in the City of Patterson.

The SRHA and the Stanislaus HOME Consortium have a strong relationship and continue to work together towards furthering decent, safe, and affordable housing throughout the community.

ACTIONS TAKEN TO ENCOURAGE PUBLIC HOUSING RESIDENTS TO BECOME MORE INVOLVED IN MANAGEMENT AND PARTICIPATE IN HOMEOWNERSHIP.

The Stanislaus Regional Housing Authority (SRHA) has a Resident Advisory Board (RAB) which is comprised of Public Housing Authority (PHA) and Voucher program participants. Any time there are substantial policy changes (such as prioritization of the wait list, program termination changes, or areas where there is flexibility in establishing program guidelines), this board must be notified and given an opportunity to respond by either supporting and/or rejecting policy changes. The RAB's determination then goes to the Housing Authority Board of Commissioners (BOC) for consideration of whether to support or reject. In addition, the SRHA is required to have program participants sit on their BOC per regulations.

ACTIONS TAKEN TO PROVIDE ASSISTANCE TO TROUBLED PHAS.

There are no PHA's operating within the Stanislaus HOME Consortium area that are troubled and/or that have requested assistance.

ACTIONS TAKEN TO REMOVE OR AMELIORATE THE NEGATIVE EFFECTS OF PUBLIC POLICIES THAT SERVE AS BARRIERS TO AFFORDABLE HOUSING SUCH AS LAND USE CONTROLS, TAX POLICIES AFFECTING LAND, ZONING ORDINANCES, BUILDING CODES, FEES AND CHARGES, GROWTH LIMITATIONS, AND POLICIES AFFECTING THE RETURN ON RESIDENTIAL INVESTMENT. 91.220 (J); 91.320 (I)

The Con Plan identifies the following public policies as having the potential to negatively affect affordable housing and residential investment: shortage of affordable housing funding, climate change, environmental protection, growth management, planning and development fees, and prevailing wages. To address the potential negative effects of these policies, the members of the Stanislaus HOME Consortium strived to consistently review all potential barriers to affordable housing that are within their authority to address (local development standards and development review procedures); to continue to pursue and utilize available funding for mortgage assistance and housing rehabilitation; and to continue to work with, and partner with, housing developers, from the nonprofit and for-profit sectors, to promote the development of affordable housing and special-needs housing.

In Fiscal Year 2023-2024, the members of the Stanislaus HOME Consortium continued to take steps to program various state funding sources aimed at increasing the production of housing. Funding sources include the SB 2 Planning Grant and Permanent Local Housing Allocation (PLHA); and Local Early Action Planning (LEAP). Efforts undertaken with these funding sources included: a countywide initiative to build a shared vision and policy framework for housing in Stanislaus County (Housing Stanislaus), development of Accessory Dwelling Unit (ADU) templates, various housing related ordinance amendments (including ADU ordinances for compliance with state law), and the development and implementation of the state required 6th Cycle Housing Elements. Other HOME Consortium efforts aimed at increasing housing production include the construction of public sewer infrastructure, review of ADU development fees, and the continuation of owner-occupied housing rehabilitation programs which help to maintaining existing affordable housing stock.

PLHA is an ongoing state funding source that is based on the Stanislaus Urban County's 2017 CDBG entitlement allocation. As such, the funding is targeted for use in the unincorporated areas of Stanislaus County along with cities of: Ceres, Hughson, Newman, Oakdale, Patterson, and Waterford. The City of Riverbank joined the Stanislaus Urban County in Fiscal Year 2020-2021 and, as such, is eligible for PLHA funding directly from the state. The City of Turlock, although a member of the HOME Consortium also receives its own PLHA allocation from the state. The Stanislaus County Board of Supervisors adopted five-year plan for PLHA funding provides for the: acquisition/development of permanent supportive housing, development/preservation of ADUs, fiscal incentives, and multi-family rental housing.

ACTIONS TAKEN TO ADDRESS OBSTACLES TO MEETING UNDERSERVED NEEDS. 91.220(K); 91.320(J)

The Urban County continuously tries to identify underserved needs through community and program engagement. CDBG Public Service Grant (PSG) and ESG grants are reviewed and scored based on defined criteria that emphasize: collaboration, prevention focused services, and innovative methods to providing public services. The grant review panel for both CDBG PSG and ESG funding is comprised of one representative from each for Urban County members and a representative from the CoC to ensure needs

being addressed are reflective of the entire Urban County area and align with efforts being taken by other agencies throughout Stanislaus County.

For Fiscal Year 2023-2024, a total of \$233,502 in CDBG-PSG funds were allocated based on a competitive grant process to which public service providers had the opportunity to apply for grants up to \$25,000. A total of nine grants were awarded to non-profits to provide services such as: food assistance, emergency shelter, counseling, utility assistance, and tutoring to underserved areas and individuals. CDBG funding in the amount of \$25,000 for fair housing services was awarded to Project Sentinel. Over 3,111 individuals received assistance through the CDBG-PSG funded service providers throughout Fiscal Year 2023-2024.

For Fiscal Year 2023-2024, a total of \$192,694 in ESG funds were allocated based a competitive grant process. A total of 45% of the grants awarded went towards emergency shelter programs, 40% went toward homeless prevention and rapid re-housing program, 7.5% went towards funding data entry for the Homeless Management and Information System (HMIS), and the remaining 7.5% went to Stanislaus County for the administration of the ESG program. Over 377 homeless persons, or persons at-risk of becoming homeless, were assisted with overnight shelter, emergency food, and housing stability assistance throughout Fiscal Year 2023-2024.

In addition to the allocation of Fiscal Year 2023-2024 CDBG and ESG entitlement funding, the remaining Fiscal Year 2022-2023 ESG entitlement funding contracts along with CDBG CV, and ESG CV contracted funding were used to provide a variety of services aimed at meeting the needs of the underserved. Section CR-15 – Resources and Investments states the amounts expended by all funding sources.

ACTIONS TAKEN TO REDUCE LEAD-BASED PAINT HAZARDS. 91.220(K); 91.320(J)

The Health Services Agency (HSA) of Stanislaus County is the lead agency for the identification, documentation, and prevention of lead poisoning in Stanislaus County. HSA works with referrals from schools and other agencies to test for lead-based paint hazards. During Fiscal Year 2023-2024, approximately 12 homes were tested and three (3) were found to have contamination. If a housing unit is found to have lead-based paint, the abatement process and consequences of living in a home that is contaminated, is explained to the residents. The Urban County members provide lead-based paint information to all residents that participate in the down payment assistance and/or housing rehabilitation programs. If, during a housing rehabilitation, a housing unit is found to have any lead-based paint issues, information on the dangers of lead-based paint is provided to the property owner and lead abatement is conducted as part of the rehabilitation work. Every effort is made to provide a safe and healthy housing opportunity for clients participating in Stanislaus Urban County funded housing assistance programs.

During Fiscal Year 2023-2024, no activities necessitating the need to test for lead-based paint were undertaken.

ACTIONS TAKEN TO REDUCE THE NUMBER OF POVERTY-LEVEL FAMILIES. 91.220(K); 91.320(J)

To reduce the number of persons living under the poverty level, the Urban County has continued its partnership with other local entitlement jurisdictions, agencies, and the CSOC to provide services and resources to families in need. As well as providing a portion of CDBG and ESG funding, through a competitive process, to eligible non-profits that have a proven track record of assisting the homeless on their path towards employment and permanent housing.

During Fiscal Year 2023-2024, the Urban County allocated a total of \$233,502 in CDBG-PSG funds and \$192,694 in ESG funds to non-profits for various programs aimed at assisting individuals and families experiencing homelessness or at risk of experiencing homelessness; and to assist low- and moderate-income individuals and families achieve self-sufficiency.

ACTIONS TAKEN TO DEVELOP INSTITUTIONAL STRUCTURE. 91.220(K); 91.320(J)

The strategies identified in the Con Plan for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs is to: 1) continue to work collaboratively with service and shelter providers to identify and address gaps in the service delivery system; and 2) continue to invest time and resources to strengthen the entire CoC system and not one particular agency or organization.

During the Stanislaus Urban County's CDBG PSG and ESG program monitoring, agency-to-agency referrals are reviewed to verify that participants receiving services do not experience gaps in services as they strive to reach their goal of independence from the need of public services.

The CoC, locally recognized as the Stanislaus Community System of Care (CSOC), is a dedicated network of service providers, consumers, and government agencies that work collaboratively to identify where gaps exist and how they can be best addressed. The CSOC continues working to improve coordination among service providers and to further enhance the Coordinated Entry System (CES). The main goal of the CES is to assist service providers with tracking and responding to the needs of individuals that seek services. To date, only a limited number of service providers utilize the HMIS coordinated entry system component to track clients and report program accomplishments.

Building the capacity of non-profits continues to be an important issue for the Urban County and other entitlement jurisdictions (the cities of Modesto and Turlock). The Urban County has partnered with both the cities of Modesto and Turlock to provide technical assistance and trainings to local service providers in the areas of client screening, HMIS data collection, and basic case management requirements.

ACTIONS TAKEN TO ENHANCE COORDINATION BETWEEN PUBLIC AND PRIVATE HOUSING AND SOCIAL SERVICE AGENCIES. 91.220(K); 91.320(J)

The Stanislaus HOME Consortium recognizes it cannot work alone in achieving the goals outlined in the Con Plan. Therefore, the Stanislaus HOME Consortium participates with and coordinates with the following collaboratives and public housing agency in order to better serve and coordinate the needs of the community:

Turlock Community Collaborative

This collaborative was formed to deal with homeless issues facing the Turlock community. The group is comprised of concerned community members, faith-based groups, and government agencies working together to deal with issues concerning the homeless and the community.

Stanislaus Community System of Care (CSOC)

The CSOC, the locally recognized CoC, is a collaborative comprised of local government agencies, shelter providers, housing and housing counseling services providers, faith-based organizations, and over a dozen

housing and supportive service providers. The Stanislaus County's Community Services Agency (CSA), serving as the Collaborative Applicant (CA), assists the CSOC to coordinate with service providers, law enforcement, and community members to conduct the County's annual Homeless Point in Time (PIT) Count. During Fiscal Year 2023-2024, the Stanislaus HOME Consortium continued to participate in efforts to improving the functionality of the CSOC's HMIS, including the CES component, and to update the CES policies and procedures. Fiscal year efforts have also included working with the CSOC's CA on the operations of the HMIS in order to meet HUD's mandate that all ESG program participants are part of and actively entering pertinent universal data elements into the HMIS.

Stanislaus Regional Housing Authority (SRHA)

The SRHA and the Stanislaus HOME Consortium have a strong relationship and continue to work towards furthering decent, safe, and affordable housing throughout the County. The SRHA serves as the administrator for housing rehabilitation and Emergency Sewer Lateral Connection programs for HOME Consortium members. The SRHA also serves on several housing and community development related committees alongside HOME Consortium members.

IDENTIFY ACTIONS TAKEN TO OVERCOME THE EFFECTS OF ANY IMPEDIMENTS IDENTIFIED IN THE JURISDICTION'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE. 91.520(A)

In Fiscal Year 2023-2024, Project Sentinel, as the Urban County's fair housing service provider, responded to a total of 319 calls for landlord/tenant mediation and fair housing information within the Urban County area. A total 5 of fair housing cases and 17 tenant/landlord cases were handled by the agency during the fiscal year. Additionally, Project Sentinel fielded 211 fair housing information and service referral calls, benefiting 934 residents. In addition to fair housing services, HUD entitlement jurisdictions are asked to report on any fair housing investigations that may be conducted during the year in the CAPER. The U.S. Department of Justice, through their Fair Housing Testing Program, contracts out with fair housing agencies to conduct testing separate from their service agreements with any jurisdiction. Project Sentinel conducted no fair housing tests within the Urban County in Fiscal Year 2023-2024.

Additional Actions Taken to Address Obstacles to Meeting Underserved Needs

Some non-profits and community organizations may not be familiar with the HUD funding grant process and other funding resources that may be available to them. As a result, many organizations and non-profits have not used HUD funds and other types of financial assistance. In Fiscal Year 2023-2024, the Urban County, working collaboratively with agencies familiar with HUD processes, continued to share program and funding information with service providers and grassroots organizations throughout the community to better meet the underserved needs of the community.

An annual Notice of Funding Availability (NOFA) was announced for the release of CDBG and ESG funds for the Public Service Grant cycle. The NOFA included an announcement of a mandatory Grant Technical Workshop and a timeline for the grant cycle. The NOFA was advertised in the local newspaper, The Modesto Bee, in English and Spanish. An e-mail was sent out to all past and current grantees and applicants that had applied in the last five years. County staff also announced the NOFA at the local CSOC meeting, distributed a reminder, and e-mailed the local CSOC agencies a NOFA announcement. County staff coordinated with Stanislaus Urban County members to distribute the NOFA announcement to service providers working in their respective cities. It is with funds awarded through the NOFA process that the Stanislaus Urban County is able to provide much needed services to underserved communities.

The annual Grant Technical Workshop provides an opportunity for questions and answers. In addition to the workshop, County staff are available via phone, in person, and by e-mail to answer questions throughout the grant application process. Once grant awards are announced, the County also requires grantees to attend a Grantee Technical Workshop prior to receiving their agreements. In the workshop, the policies, procedures, program regulations, requirements, and obligations of the grant are explained. All grantees receive the information covered in the workshop via email. During Fiscal Year 2023-2024, all workshops continued to be conducted online due to COVID-19 safety precautions and to allow for enhanced efficiencies in grantee attendance.

Technical assistance is ongoing to those agencies awarded funding and those agencies interested in competing for future funding. Reference, guidance, and support materials are provided upon request and staff is available to addressing inquiries in person, by phone/virtually, or via email. The Stanislaus Urban County is constantly looking for ways to expand service provider capacity and to encourage public and private partnerships and joint ventures between non-profit and for-profit housing developers.

CR-40 - MONITORING 91.220 AND 91.230

EVALUATE THE JURISDICTION'S PROGRESS IN MEETING ITS SPECIFIC OBJECTIVES FOR REDUCING AND ENDING HOMELESSNESS THROUGH:

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements.

The County regularly monitors progress on activities to ensure compliance with program requirements for all non-profits awarded CDBG-PSG and ESG funds aimed at reducing and ending homelessness. Funding and service agreements set clear performance measures, reporting procedures, timeliness, and budgets against which goals are measured. County staff regularly monitor compliance with contracting requirements and performance goals through the implementation and review of quarterly performance reports, reimbursement requests and desk and on-site monitoring. Due to ongoing COVID-19 precautions, on-site monitoring performed during the fiscal year remained limited and alternative methods, such as video conference calls in combination with desk audits, were utilized to verify and confirm that grant funds are and were used in an eligible and appropriate manner.

For non-profits awarded CDBG-PSG and ESG funds, County staff conducts an initial technical workshop to provide a comprehensive overview of the quarterly reporting, request for funds, and monitoring processes and requirements. County staff is available to awarded agencies during regular business hours to address technical concerns and questions as they arise. Non-profits that reach a certain performance threshold become eligible for bi-annual monitoring reviews in place of the quarterly reviews.

Under the ESG program, County staff reviews quarterly ESG statistical tables, narratives, HMIS activity reports, RFF forms and budget printouts, which identify the total funds used/requested by each grantee during that reporting period. ESG funded agencies are provided with ongoing HMIS system training. As part of the ESG monitoring process, only 50% of the costs related to the project are reimbursed, as the remainder of the costs is paid by non-ESG match funding sources (i.e., local unrestricted donations). In

this manner, the subrecipient in turn ensures that dollar-to-dollar matching requirements are satisfied by paying the remainder of the expenses from non-ESG sources.

CITIZEN PARTICIPATION PLAN. 91.105(D); 91.115(D)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The following public comment period, community meeting and public hearing information provided in italics is for public notification purposes and will not be included as part of the final CAPER submitted to HUD:

Public comment period: August 16, 2024 to September 10, 2024. Written public comments must be submitted to the Stanislaus County Planning and Community Development Department by 4:30 p.m. on Tuesday, September 10, 2024. Written public comments can be mailed to 1010 10th Street, Suite # 3400, Modesto, CA 95354 or emailed to CommunityDevelopment@stancounty.com.

As part of the CAPER process the following community meetings are being held:

LIVE MEETING OPTIONS

<u>Meeting Date:</u>	<i>September 5, 2024</i>	<u>Meeting Time:</u>	<i>12:00 PM</i>
<u>Meeting Location:</u>	<i>1010 10th Street, Basement Training Room, Modesto, CA 95354</i>		
<u>Meeting Date:</u>	<i>September 5, 2024</i>	<u>Meeting Time:</u>	<i>5:30 PM</i>
<u>Meeting Location:</u>	<i>1010 10th Street, Basement Training Room, Modesto, CA 95354</i>		

VIRTUAL MEETING OPTIONS

<i>Meeting Date:</i>	<i>September 4, 2024</i>	<i>Meeting Time:</i>	<i>12:00 PM</i>
<i>Meeting Location:</i>	<i>Via Zoom</i>		
<i>Meeting Link:</i>	https://us06web.zoom.us/j/85154170533?pwd=2wAb5XzhVaJZDFaghD9om0RbkHaY15.1		
<i>Meeting ID:</i>	<i>Via Zoom</i>		
<i>Join by Phone:</i>	<i>+1 669 444 9171 US</i>		
<i>Meeting ID:</i>	<i>851 5417 0533</i>	<i>Passcode:</i>	<i>7eGpQS</i>

Meeting Date: September 4, 2024 **Meeting Time:** 5:30 PM
Meeting Location: Via Zoom
Meeting Link: <https://us06web.zoom.us/j/82876600667?pwd=NB8bxaKA5EZVb4lMggS7MY6oyX6Zh.w.1>
Meeting ID: Via Zoom
Join by Phone: +1 669 444 9171 US
Meeting ID: 828 7660 0667 **Passcode:** nMph4y

Meeting Date: September 7, 2024 **Meeting Time:** 10:00 AM
Meeting Location: Via Zoom
Meeting Link: <https://us06web.zoom.us/j/84359905634?pwd=LvpHp1FsCZFHCmQhpicU8EH0pUR6a.b.1>
Meeting ID: Via Zoom
Join by Phone: +1 669 444 9171 US
Meeting ID: 843 5990 5634 **Passcode:** PZzQOs

A Notice of Public Hearing and Document Availability was released in accordance with the Stanislaus HOME Consortium and Urban County’s Citizen Participation Plan advising residents of the availability of the draft CAPER for a 15-day public review period. The notice was published in both English and Spanish on August 14, 2024 in The Modesto Bee, defining the CAPER review process and how persons, agencies, and interested groups may participate; as well as instructions on how to submit written comments. As part of the public review process, notice of the Draft CAPER was also distributed electronically to the CSOC and to persons registered through the County Planning and Community Development Department’s Community Development StanAware electronic notification system. The Draft CAPER was also made available for public review via the County’s Planning and Community Development Department website and copies of the Draft CAPER were available for review at the Planning Departments of all the Stanislaus HOME Consortium members.

A public hearing will be held in accordance with the County’s Citizen Participation Plan on September 10, 2024, at 9:00 a.m., at the County Administration Building, 1010 10th Street, Board Chambers, Modesto, CA 95354. Notice of the meeting and public hearing will be sent out through the County’s StanAware electronic notification system, the CSOC list serve, and will be made available by email to community members that had expressed interest in the CAPER.

CR-45 - CDBG 91.520(C)

Specify the nature of, and reasons for, any changes in the jurisdiction’s program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes in the Urban County's program objectives occurred during Fiscal Year 2023-2024.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No.

CR-50 - HOME 24 91.520 (d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations. Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR 92.504 (d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

No inspection results to report this fiscal year. The new HOME Consortium has not funded any projects yet that require inspections.

An assessment of the jurisdiction's affirmative marketing actions for HOME units. 91.520 (e) and 92.351 (a)

No marketing actions to assess this fiscal year. No home funds have been used for activities requiring marketing actions. The County will review the marketing plans of HOME-funded projects to be sure that the developed units marketed and if needed continue to market to all diverse populations. The County will also request that project managers annually review their marketing plan and certify when changes are made.

Data on the amount and use of program income for projects, including the number of projects and owner and tenant characteristics?

Not applicable this fiscal year. No program income has been generated by HOME funds to date.

Other actions taken to foster and maintain affordable housing. 24 CFR 91.220 (k)

During Fiscal Year 2022-2023, the County's Department of Planning and Community Development and the Department of Behavioral Health and Recovery Services partnered with the SRHA and the City of Modesto on the development of the Central Valley Homes Development Project, an affordable housing project located in the City of Modesto. The project will be completed in Fiscal Year 2024-2025 and consists of 35 units that will be available to seniors and veterans and 15 units that will be made available to individuals in need of behavioral health supportive services. Permanent Local Housing Allocation funding allocated to Stanislaus County will be leveraged with the City's HOME and CDBG funds, along with No Place Like Home Program, Mental Health Services Act funds, and financing from Farmers and Merchants Bank.

TOTAL LABOR HOURS:

	CDBG	HOME	ESG
Total Number of Activities	4	0	0
Total Labor Hours	15,680	0	0
Total Section 3 Hours	0	0	0
Total Targeted Section 3 Worker Hours	0	0	0

QUALITATIVE EFFORTS – NUMBER OF ACTIVITIES BY PROGRAM:

	CDBG	HOME	ESG
Outreach efforts to generate job applicants who are Public Housing.	0	0	0
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.	0	0	0
Direct, on-the job training (including apprenticeships).	0	0	0
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	0	0	0
Technical assistance to help Section 3 workers compete for jobs.	0	0	0
Outreach efforts to identify and secure bids from Section 3 business.	4	0	0
Technical assistance to help Section 3 businesses understand and bid on contracts.	4	0	0
Division of contracts into smaller jobs to facilitate participation by Section 3 businesses.	0	0	0
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.	0	0	0
Held one or more job fairs.	0	0	0
Provided or connected residents with supportive services that can provide direct services or referrals.	0	0	0
Assisted residents with finding child care.	0	0	0
Assisted residents to apply for or attend community college or a 4 year educational institution.	0	0	0

Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.	0	0	0
Assisted residents to apply for or attend vocational/technical training.	0	0	0
Assisted residents to obtain financial literacy training and/or coaching.	0	0	0
Bonding assistance, guaranties or other efforts to support viable bids from Section 3 businesses.	0	0	0
Provided or connected residents with training on computer use or online technologies.	0	0	0
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.	0	0	0
Outreach, engagement or referrals with the state one-stop system, as designed in Section 121 (e) (2) of the Workforce Innovation and Opportunity Act.	0	0	0
Other.	0	0	0

NARRATIVE

During the 2023-2024 the Urban County had three projects that reported hours as required by Section 3 regulations. The County's River Trunk Realignment - Gravity System Project, the City of Hughson's 2nd Street Infrastructure Improvement Project and the City of Waterford's Western Ave., Pecan Ave., and Dorsey Street Improvements Project. The hours are reflected in the table above. There were no Section 3 hours to report for any HOME or ESG projects this last fiscal year.

[Space below intentionally left blank.]

**ESG SUPPLEMENT TO THE CAPER IN E-SNAPS
FOR PAPERWORK REDUCTION ACT**

1. RECIPIENT INFORMATION—ALL RECIPIENTS COMPLETE

Basic Grant Information

Recipient Name:	STANISLAUS COUNTY
Organizational DUNS Number:	073136772
EIN/TIN Number:	946000540
Identify the Field Office:	San Francisco
Identify CoC(s) in which the recipient or subrecipients will provide ESG assistance:	Turlock/Modesto/Stanislaus CoC

ESG Contact Name

Prefix: Ms.	Suffix: -
First Name: Angela	Middle Name: -
Last Name: Freitas	Title: Planning and Community Development Director

ESG Contact Address

Street Address 1: 1010 10th Street	Street Address 2: Suite 3400
City: Modesto	State: CA Zip Code: 95354
Phone Number: (209) 525-6330	Extension: -
Fax Number: (209) 525-5911	Email Address: angela@stancounty.com

ESG Secondary Contact

Prefix: Ms.	Suffix: -
First Name: Ana	Middle Name: -
Last Name: San Nicolas	Title: Deputy Director
Phone Number: (209) 525-6330	Extension: -
Email: sannicolasa@stancounty.com	

2. REPORTING PERIOD—ALL RECIPIENTS COMPLETE

Program Year Start Date 07/01/2023

Program Year End Date 06/30/2025

3. SUBRECIPIENT FORM – COMPLETE ONE FORM FOR EACH SUBRECIPIENT

Fiscal Year 2023 ESG FUNDS

*Balance remaining as of June 30, 2024.

Subrecipient or Contractor Name: Stanislaus County – Administration

City: Modesto **State:** CA

Zip Code: 95354-0859 **DUNS Number:** 073136772

Is subrecipient a victim services provider: No

Subrecipient Organization Type: Unit of Government

ESG Subgrant or Contract Award Amount: \$15,623 (Administration)

Subrecipient or Contractor Name: Community Housing and Shelter – Rapid Re-Housing Program

City: Modesto **State:** CA

Zip Code: 95354-3436 **DUNS Number:** 835658782

Is subrecipient a victim services provider: No

Subrecipient Organization Type: Other Non-Profit Organization

ESG Subgrant or Contract Award Amount: \$83,326 (Rapid Re-Housing)
\$4,683 (HMIS)
*\$88,010.40

Subrecipient or Contractor Name: We Care Program – Turlock – Emergency Shelter Program

City: Turlock **State:** CA

Zip Code: 95380-5413 **DUNS Number:** 179569772

Is subrecipient a victim services provider: No

Subrecipient Organization Type: Other Non-Profit Organization

ESG Subgrant or Contract Award Amount: \$100,000 (Shelter)
\$4,683 (HMIS)
*\$1,502.10

Reporting Period

Program Year Start Date: 07/01/2022

Program Year end date: 06/30/2024

Fiscal year 2022 ESG Funds – Year 2 Carry-Over

**Funds remaining.*

Subrecipient or Contractor Name: Stanislaus County – Administration
City: Modesto **State:** CA
Zip Code: 95354-0859 **DUNS Number:** 073136772

Is subrecipient a victim services provider: No
Subrecipient Organization Type: Unit of Government
ESG Subgrant or Contract Award Amount: \$15,568 (Administration)
 *\$0

Subrecipient or Contractor Name: Community Housing and Shelter Services – Rental Assistance Program
City: Modesto **State:** CA
Zip Code: 95354-3436 **DUNS Number:** 835658782

Is subrecipient a victim services provider: No
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: \$90,000 (Homeless Prevention)
 *\$0

Subrecipient or Contractor Name: Center for Human Services-Youth Low Barrier Shelter
City: Modesto **State:** CA
Zip Code: 95358-5413 **DUNS Number:** 179569772

Is subrecipient a victim services provider: No
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: \$73,078 (Shelter)
 \$6,286 (HMIS)
 *\$0

Subrecipient or Contractor Name: We Care Program – Turlock – Emergency Shelter Program
City: Turlock **State:** CA
Zip Code: 95380-5413 **DUNS Number:** 179569772

Is subrecipient a victim services provider: No
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: \$16,359 (Shelter)
 \$6,286 (HMIS)
 *\$0

4. PERSONS SERVED**4a. Complete for Homelessness Prevention activities.**

Number of Persons	Total	Percentages
Adults	2	50%
Children	2	50%
Don't Know/Refused/Other	0	-
Missing Information	0	-
Total	4	100%

Table 8 – Household Information for Homeless Prevention Activities

4b. Complete for Rapid Re-Housing activities

Number of Persons	Total	Percentages
Adults	0	-
Children	0	-
Don't Know/Refused/Other	0	-
Missing Information	0	-
Total	0	-

Table 9 – Household Information for Rapid Re-Housing Activities

4c. Complete for Shelter

Number of Persons	Total	Percentages
Adults	373	100%
Children	0	-
Don't Know/Refused/Other	0	-
Missing Information	0	-
Total	373	100%

Table 10 – Shelter Information

[Space below intentionally left blank.]

4d. Street Outreach

Number of Persons	Total	Percentages
Adults	0	-
Children	0	-
Don't Know/Refused/Other	0	-
Missing Information	0	-
Total	0	-

Table 11 – Household Information for Street Outreach

4e. Totals for all Persons Served with ESG

Number of Persons	Total	Percentages
Adults	375	99.4%
Children	2	0.6%
Don't Know/Refused/Other	0	-
Missing Information	0	-
Total	377	100

Table 12 – Household Information for Persons Served with ESG

5. GENDER—COMPLETE FOR ALL ACTIVITIES

Gender	Total	Percentages
Male	333	88.3%
Female	44	11.6%
Transgender	0	-
Don't Know/Refused/Other	0	-
Gender Non-Confirming	0	-
Missing Information	0	-
Total	377	100

Table 13 – Gender Information

[Space below intentionally left blank.]

6. AGE—COMPLETE FOR ALL ACTIVITIES

Age	Total	Percentage
Under 18	2	0.5%
18-24	189	50.1%
25-61	173	45.8%
62 and Over	13	3.6%
Don't Know/Refused/Other	0	-
Missing Information	0	-
Total	377	100%

Table 14 – Age Information

7. SPECIAL POPULATIONS SERVED—COMPLETE FOR ALL ACTIVITIES

Subpopulation	Total	Total Persons Served – Homeless Prevention	Total Persons Served – Rapid Re-Housing	Total Persons Served in Emergency Shelters
Veterans	9	0	0	9
Victims of Domestic Violence	91	1	0	92
Elderly	15	0	0	15
HIV/AIDS	2	0	0	2
Chronically Homeless	116	0	0	116
Persons with Disabilities:				
Severely Mentally Ill	113	0	0	113
Chronic Substance Abuse	142	0	0	142
Other Disability	63	0	0	63

Table 15 - Special Population Served

8. SHELTER UTILIZATION

Number of New Units - Rehabbed	0
Number of New Units - Conversion	0
Total Number of bed-nights available	26,572
Total Number of bed-nights provided	25,886
Capacity Utilization	97.4%

Table 16 - Shelter Capacity

9. PROJECT OUTCOMES DATA MEASURED UNDER THE PERFORMANCE STANDARDS DEVELOPED IN CONSULTATION WITH THE COC(S)

The County regularly updates and utilizes a CDBG and ESG program Desk Guide for subrecipients. This guide was developed and is updated in consultation with the local CoC. The Desk Guide covers both federal and state ESG funds administered by Stanislaus County. Under the CDBG and ESG program, County staff track the progress of individual subrecipients in fulfilling goals and objectives set forth in the Con Plan in order to ensure that programs remain on task. Tracked data is reviewed and entered into the IDIS system on a semiannual basis. If tracked data falls short of the goals and objectives set forth, appropriate adjustments will be made, and notification sent to the respective subrecipients to make them aware of milestones and timeliness needing to be met in order to ensure continued receipt of funding.

The coordinated monitoring process has been established to verify and confirm that grant funds have been used in an eligible and appropriate manner for each and every program funded with CDBG and ESG funds.

County staff reviews quarterly ESG statistical tables, narratives, HMIS activity reports, Request for Funds forms, and budget printouts, which identify the total funds used/requested by each subrecipient during that reporting period. County staff also verifies and cross-references the information on the quarterly budget activity reports. Monitoring visits are also scheduled quarterly by County staff for each grantee to ensure appropriate expenditure of funds. As part of the ESG monitoring process, invoices and accompanying receipts are reviewed for reimbursement eligibility. Once eligibility is confirmed, 50% of the costs related to the project are reimbursed, as the remainder of the costs are paid by a non-ESG match funding sources (i.e., local unrestricted donations). In this manner, the subrecipient in turn commits their dollar-to-dollar match by paying the remainder of the expenses from non-Federal sources.

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date: September 10, 2024

Subject: Acceptance of Certificate of Initiative Petition Entitled “Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits,” and Submitting the Initiative to the Voters at a Future Regular Election

From: Marisela H. Garcia, City Manager

Submitted by: Tom Hallinan, City Attorney

RECOMMENDATION

Staff is recommending adoption of the following two (2) resolutions:

1. Adopt a Resolution of the City Council of the City of Riverbank accepting the certificate of initiative petition from the Stanislaus County Registrar of Voters entitled "Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits."
2. Adopt a Resolution of the City Council of the City of Riverbank submitting the initiation petition entitled "Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits" to the voters at the City's next regular election in accordance with Elections Code section 1405.

BACKGROUND AND SUMMARY OF INITIATIVE PROPOSAL

On June 3, 2024, the initiative proponent Garry Pearson submitted a notice of intention to circulate a petition for the initiative entitled "Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits." The text of proposed initiative is included as **Attachment 1**. The

initiative would amend the City's General Plan by requiring a majority of City voters to approve any decision by the City Council that allows urban development on existing agricultural or open space lands located west of City limits. If the City Council makes any decision that authorizes or facilitates development of urban uses west of current City limits, the decision would not be valid until approved by a majority of voters at an election. As stated in the initiative, the voter approval requirement for development of lands located west of current City limits would not apply in four (4) specific circumstances:

1. The City Council finds, and the California Department of Housing and Community Development certifies in writing, that development of agricultural or open space lands west of City limits is necessary to meet the City's fair-share housing requirement under state law.
2. City approval of ancillary uses on agricultural or open space lands west of City limits (for example, farm worker housing).
3. Where a development project has obtained a vested right to develop lands west of City limits.
4. City approvals that establish or expand wastewater treatment facilities on lands west of City limits.

As required by law, the City Attorney prepared the official ballot title and summary for the proposed initiative for use by the proponents when publishing and circulating the petition.

FILING OF THE INITIATIVE PETITION BY THE PROPONENT

On July 24, 2024, the proponent filed the signed petition sections with the City Clerk. The Elections Code requires that the City Elections Official examine the petition to ascertain "whether or not the petition is signed by the requisite number of voters."¹ Here, following an initial review by the City Clerk, the petition was delivered to the Stanislaus County Registrar of Voters ("Registrar Office") for signature verification.

On August 29, 2024, the Registrar Office returned the *Certificate of Initiative Petition*, included as **Attachment 2**. The City Council is charged with accepting the Registrar Office Certificate of Initiative Petition. The following summarizes the results of the signature verification:

1,305 signatures of registered voters in the City were required for a successful initiative petition.

¹ Elec. Code, §§ 9211, 9114.

1,918 signatures were submitted on the petition sections filed with the City Clerk.

1,544 signatures were found sufficient, based on the signature verification from the Registrar Office.

Upon determining that the initiative petition is sufficient, the City Elections Official is required to certify the results of the signature examination to the City Council.² Here, because the number of signatures was found to be sufficient for a successful initiative petition, the City Elections Official is certifying the results of the examination to the Council. The first resolution included with this item (**Attachment 3**) accepts the petition certification received from the Registrar Office and certifies the sufficiency of the petition.

CITY COUNCIL OPTIONS UPON SUCCESSFUL INITIATIVE PETITION

Following the City Council's acceptance of the petition certification, the City Council has the following options³:

1. Adopt an ordinance, without alteration, within ten (10) days after the petition acceptance.
2. Submit an ordinance, without alteration to the voters, at the City's next regular election occurring not less than 88 days from the date of the order of election.
3. Submit an ordinance, without alteration to the voters, at a special election not less than 88 days, nor more than 103 days, of the date of the order of election.
4. Order a report by City staff pursuant to Elections Code section 9212.

The first three options would be implemented based on the Council's direction and either require implementation of the initiative's proposed ordinance or submission of the proposed ordinance to voters. If the City Council elects to pursue the fourth option, the Elections Code allows the City Council to direct City staff to prepare a report that addresses specific topics associated with the initiative, including its fiscal impact, land use impacts, infrastructure impacts, as well as the City's ability to attract and retain businesses and employment.

The second resolution included with this item (**Attachment 4**), if adopted, would submit the initiative to the voters at the City's next regular election occurring at least 88 days from the order of election.

² Elec. Code, § 9114.

³ Elec. Code, §§ 9215, 1405.

ENVIRONMENTAL DETERMINATION

Not applicable.

FINANCIAL IMPACT

At this time, City staff has not yet requested an estimate for holding an election on the initiative measure. The election on the initiative measure would cause unbudgeted costs to the City, but the election would be consolidated with the City's next regular election.

ATTACHMENTS:

1. Text of the Initiative
2. Certificate of Initiative Petition from the Stanislaus County Registrar of Voters
3. Resolution 2024-XXX, accepting the certificate of initiative petition from the Registrar Office and certifying the sufficiency of the initiative petition.
4. Resolution 2024-XXX, submitting the initiative to the voters at the City's next regular election in accordance with Elections Code section 1405.

Text of the Initiative

The people of the City of Riverbank do ordain as follows this General Plan Amendment:

The City of Riverbank General Plan (As in effect January 1, 2024, and as amended through the effective date of this initiative measure) is amended as follows.

- A. The following new goal is adopted and shall be inserted into the existing text of the General Plan, Land Use Element.

The decision to authorize development on existing agricultural land and open space represents one of the most significant and far-reaching decisions to be considered by the City. This goal is to provide direct long-term impact upon land-use choices to City voters, so as to protect and reflect the intentions of the voters.

- B. The following new policy is adopted and shall be inserted into the existing text of the General Plan.

Any decision to approve a comprehensive development plan, specific plan, or other plan or zoning designation that authorizes or facilitates conversion of agricultural land or open space to urban uses west of the city limits of the City of Riverbank, as in effect and approved by Stanislaus LAFCO, as of January 1, 2024, shall not take effect unless that decision is approved by the voters of the City. This includes the area(s) north of Patterson Road to the Stanislaus River.

This policy is intended to assure full participation in land use decisions by the voters of the City, including but not limited to public debate and a vote of the people, and to assure that the principles set forth in the General Plan relating to agricultural preservation and conservation and the like are fully implemented. The City Council has the authority to enact an ordinance to establish processes and procedures for the voter approval requirement that are consistent with the purpose of the policy to assure full participation by the people in land use decisions.

Agricultural land or open space is defined as parcels or areas in the unincorporated area of Stanislaus County with a General Plan Land Use Designation of Agriculture (Ag) where the County retains land use authority.

Urban uses is defined as land use or zoning designations with an underlying City of Riverbank General Plan designation of the following: Low, Medium and High Density Residential (LDR, MDR, HDR), Reserve/Clustered Rural Residential (RR), Civic, Community Commercial (CC), Industrial/Business Park (I/BP), and Mixed Use (MU).

This voter-approval policy may not be amended or repealed without a vote of the people, other than as set forth in this policy.

Voter Approval Required

- (1) This policy shall apply to all areas west of the boundaries designated and described as the City Limits for the City of Riverbank, including the area(s) north of Patterson Road to the Stanislaus River, as adopted by LAFCO and in effect July 27, 2016, and as shown on Exhibit A.*
- (2) Any decision by the City to authorize or approve development on all or a portion of the parcels or areas subject to this policy shall require, and be contingent upon, approval by a majority vote of the City voters at a general or special local election. In the event the City approves development of such land, such approval shall not take effect unless and until that decision is approved by an affirmative majority vote of the voters of the City.*

(3) The requirement for voter approval set forth in this policy shall not apply to any of the following, regardless of its location:

- (a) The City Council finds, based on substantial evidence in the record, and the California Department of Housing and Community Development certifies in writing, that all of the following circumstances exist: (i) the approval is necessary and required to meet the City's legal fair-share housing requirement; and (ii) there is no other land in the City available for development that can accommodate the City's legal fair-share housing requirement. The intent of this exemption is to ensure that the City is able to provide sufficient land for housing to accommodate moderate, low and very low income housing, as may be necessary over time under state law. The amount of land approved for development under this paragraph shall be the minimum required to meet the City's legal fair-share housing requirement.***
- (b) A use that is ancillary to a primary agricultural or open space use (e.g., farm worker housing), provided that this exemption shall be narrowly constructed to apply only to the ancillary use.***
- (c) A development project that has obtained a vested right, provided that the extent of vesting shall be narrowly construed, and the policy shall continue to apply to any portion of the project that is not vested.***
- (d) Approvals related solely to establishing or expanding wastewater treatment facilities.***

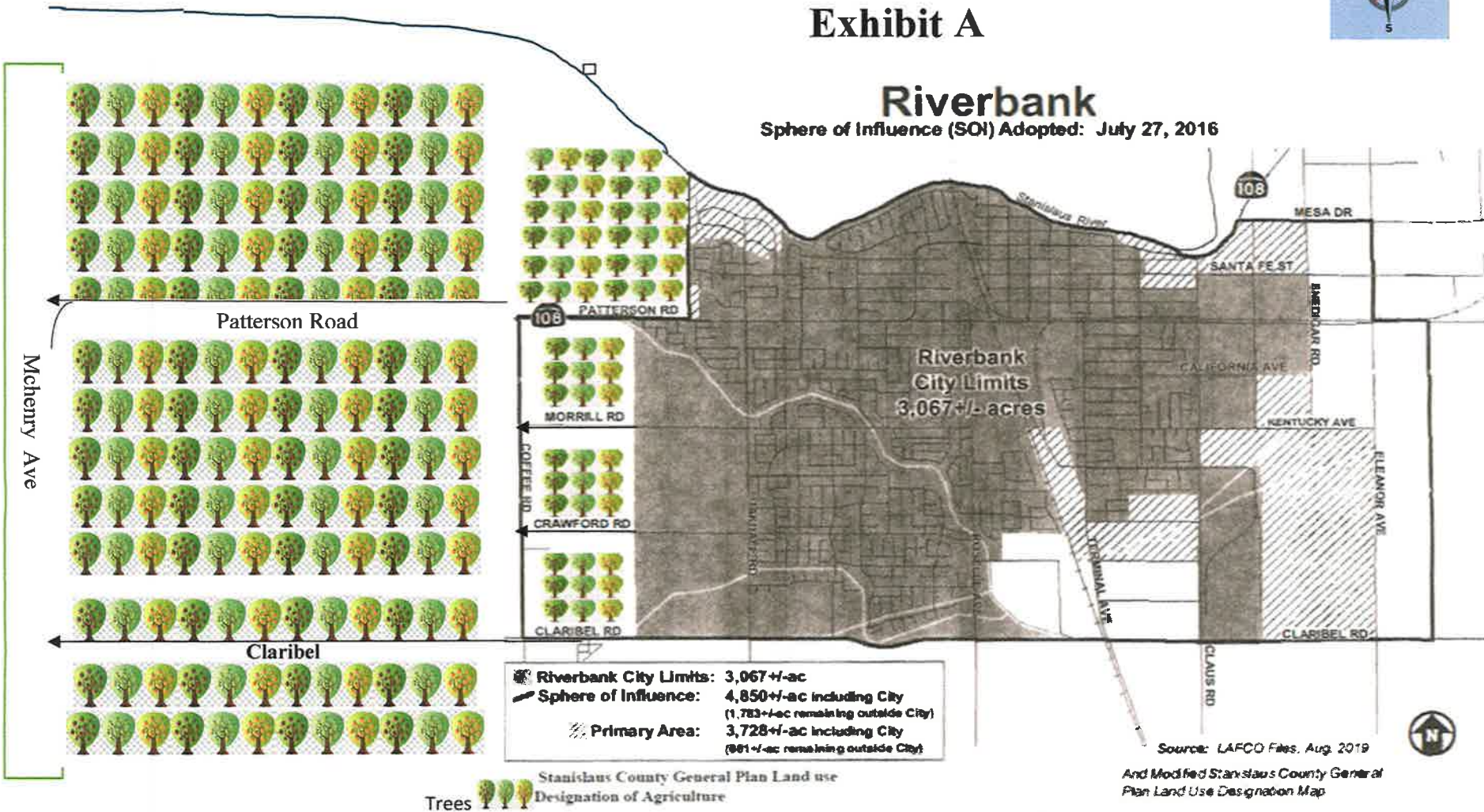
Stanislaus River

Exhibit A



Riverbank

Sphere of Influence (SOI) Adopted: July 27, 2016





REGISTRAR OF VOTERS' CERTIFICATE OF INITIATIVE PETITION

I, **DONNA LINDER, COUNTY CLERK-RECORDER & REGISTRAR OF VOTERS** of the **County of Stanislaus, State of California**, do hereby certify:

That the initiative petition referred to as the **VOTER APPROVAL REQUIRED TO ALLOW DEVELOPMENT OF URBAN USES ON AGRICULTURAL OR OPEN SPACE LANDS LOCATED WEST OF RIVERBANK CITY LIMITS PETITION** was delivered to this office on **7/24/24** and that said petition consists of **114** sections;

That each section contains signatures purporting to be signatures of qualified electors of the County;

That attached to this petition at the time it was received was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition I verified the required number of signatures by examining the records of registration in this County, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent: **1,918**
2. Number of signatures **VERIFIED**: 1,918
 - A. Number of signatures found **SUFFICIENT**: 1,544
 - B. Number of signatures found **NOT SUFFICIENT**: 374
 1. Not sufficient due to **duplicate signatures**: 8



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on

August 29, 2024.

BY:

Donna Linder
County Clerk-Recorder & Registrar of Voters

CITY OF RIVERBANK

RESOLUTION 2024-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA
ACCEPTING THE CERTIFICATE OF INITIATIVE PETITION FROM THE
STANISLAUS COUNTY REGISTRAR OF VOTERS FOR THE INITIATIVE PETITION
ENTITLED “VOTER APPROVAL REQUIRED TO ALLOW DEVELOPMENT OF
URBAN USES ON AGRICULTURAL OR OPEN SPACE LANDS
LOCATED WEST OF RIVERBANK CITY LIMITS”**

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

WHEREAS, on June 3, 2024, the proponent of the initiative submitted a notice of intention and written text of the initiative to the City Clerk and requested the City Attorney prepare the title and summary of the initiative to circulate the petition; and

WHEREAS, as required by law (Elections Code § 9203), the City Attorney prepared and provided an official ballot title and summary for the proposed initiative for use by the proponents for publication and circulation of the petition; and

WHEREAS, the title of the initiative is “Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits”; and

WHEREAS, the petition was filed with the City Clerk on July 24, 2024. Following initial review by the City Clerk, the petition was forwarded to the Stanislaus County Registrar of Voters (“Registrar Office”) for signature verification, in accordance with Elections Code sections 9210-9211; and

WHEREAS, on August 29, 2024, the Registrar Office delivered the Certificate of Initiative Petition to the City Clerk, attached hereto as **Exhibit A**; and

WHEREAS, the number of signatures found to be sufficient (1,544) is greater than the number of signatures required for a successful initiative petition (1,305); and

WHEREAS, the Elections Code requires that the petition be certified to the City Council at the next regular City Council meeting following receipt of a successful initiative petition (Elections Code §§ 9211, 9114); and

WHEREAS, the City Council is charged with accepting the results of the petition certification presented by the City Elections Official.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby accept the Certificate of Initiative Petition received from the Registrar Office, and hereby certifies that the number of verified signatures are sufficient for a successful initiative petition.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of September, 2024; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez, CMC
City Clerk

Richard D. O'Brien
Mayor

EXHIBIT A: Certificate of Initiative Petition

CITY OF RIVERBANK

RESOLUTION 2024-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA
SUBMITTING THE INITIATIVE PETITION ENTITLED
“VOTER APPROVAL REQUIRED TO ALLOW DEVELOPMENT OF URBAN USES
ON AGRICULTURAL OR OPEN SPACE LANDS”
TO THE VOTERS AT THE CITY’S NEXT REGULAR ELECTION IN ACCORDANCE
WITH ELECTIONS CODE SECTION 1405**

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

WHEREAS, on June 3, 2024, the proponent of the initiative submitted a notice of intention and written text of the initiative to the City Clerk and requested the City Attorney prepare the title and summary of the initiative to circulate the petition. The text of the proposed initiative is attached hereto as **Exhibit A**; and

WHEREAS, as required by law (Elections Code § 9203), the City Attorney prepared and provided an official ballot title and summary for the proposed initiative for use by the proponents for publication and circulation of the petition; and

WHEREAS, the title of the initiative is “Voter Approval Required to Allow Development of Urban Uses on Agricultural or Open Space Lands Located West of Riverbank City Limits”; and

WHEREAS, the petition was filed with the City Clerk on July 24, 2024. Following initial review by the City Clerk, the petition was forwarded to the Stanislaus County Registrar of Voters (“Registrar Office”) for signature verification, in accordance with Elections Code sections 9210-11; and

WHEREAS, on August 29, 2024, the Registrar Office delivered the “Certificate of Initiative Petition” to the City; and

WHEREAS, the Elections Code requires that the City Elections Official certify the results of the examination to the City Council at the next regular City Council meeting following receipt of a successful initiative petition (Elections Code §§ 9211, 9114); and

WHEREAS, prior to adoption of this Resolution, the City Council accepted the petition certification received from the Registrar Office. The number of signatures found to be sufficient (1,544) is greater than the number of signatures required for a successful initiative petition (1,305) (Elections Code § 9215); and

WHEREAS, pursuant to Elections Code section 9215, upon receipt of a successful initiative petition, the City Council may adopt the initiative, submit the initiative to the voters pursuant to Elections Code section 1405, or order a report on the proposed initiative; and

WHEREAS, in accordance with Elections Code section 1405, the City Council desires to submit the initiative to the voters at the City of Riverbank's next regular election occurring not less than eighty-eight (88) days from the date of the order of election; and

WHEREAS, the City's next regular election is scheduled for November 5, 2024, which is within eighty-eight (88) days of the date of this Resolution submitting the initiative to the voters.

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

SECTION 1. Pursuant to Elections Code section 9215, the City Council hereby submits the initiative without alteration to the voters.

SECTION 2. Pursuant to Elections Code section 1405, the election for the initiative shall be held at the City of Riverbank's next regular election occurring not less than eighty-eight (88) days from the date of the order of election.

SECTION 3. The full text of the initiative submitted to the voters is attached hereto as **Exhibit A.**

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of September, 2024; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez, CMC
City Clerk

Richard D. O'Brien
Mayor

EXHIBIT A: Text of Initiative Measure