



CITY OF RIVERBANK  
**REGULAR CITY COUNCIL AND THE  
 LOCAL REDEVELOPMENT AUTHORITY MEETINGS**  
 (The City Council also serves as the LRA Board)  
 City Hall North • Council Chambers  
 6707 Third Street • Suite B • Riverbank • CA • 95367

## AGENDA

**TUESDAY, MAY 10, 2016 – 6:00 P.M.**

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT [WWW.RIVERBANK.ORG](http://WWW.RIVERBANK.ORG))

- CALL TO ORDER:** Mayor/Chair Richard D. O’Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O’Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O’Brien  
 Vice Mayor/Chair Jeanine Tucker  
 Council/Authority Member Darlene Barber-Martinez  
 Council/Authority Member Cal Campbell  
 Council/Authority Member Leanne Jones Cruz
- AGENDA CHANGES:** Mayor/Chair Richard D. O’Brien

**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.

### **1. PRESENTATIONS**

**Item 1.1:** Proclamation Declaring May 2016 as Older Americans Month.

### **2. 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 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

**3. 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 otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

**Item 3.A:** Approval of the April 26, 2016, City Council and Local Redevelopment Authority Minutes.

**Recommendation:** It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

**4. UNFINISHED BUSINESS** There are no items to consider.

**5. PUBLIC HEARINGS** There are no items to consider.

**6. NEW BUSINESS**

**Item 6.1:** **Acceptance of the Roselle Ave Sidewalk Project and Authorization to File a Notice of Completion** – It is recommended that the City Council accept the completion of the Roselle Avenue Sidewalk Project and authorize staff to file a Notice of Completion.

**7. COMMENTS (Information only – No action)**

**Item 7.1:** Staff Comments

**Item 7.2:** Council/Authority Member Comments

**Item 7.3:** Mayor/Chair Comments

**8. CLOSED SESSION**

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

**Item 8.1:** **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code § 54957.6  
Agency representative: Jill Anderson, City Manager  
Unrepresented Employee organization: Executive Management

**Item 8.2: PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

**Item 8.3: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

**Recommendation:** It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

**9. REPORT FROM CLOSED SESSION**

**Item 9.1:** Report from Closed Session Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS – Unrepresented Executive Management**

**Item 9.2:** Report from Closed Session Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – City Manager**

**Item 9.3:** Report from Closed Session Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – (1) potential case**

**ADJOURNMENT** (The next regular City Council meeting –Tuesday, May 24 @ 6:pm)

**UPCOMING EVENTS:**

City Hall Friday Office Hours	<ul style="list-style-type: none"> <li>▪ <b><u>City Offices are Closed Alternating Fridays</u></b> <ul style="list-style-type: none"> <li>○ Friday: May 6 and May 20 – CLOSED</li> <li>○ Friday: May 13 and May 27 – Hours 8:am – 5:pm</li> </ul> </li> </ul>
Registration Now Open	<ul style="list-style-type: none"> <li>▪ <b><u>Swim Lessons and Summer Camps</u></b> – register online at <a href="http://riverbankrecreation.com">riverbankrecreation.com</a></li> </ul>
Available Now	<ul style="list-style-type: none"> <li>▪ <b><u>Spring and Summer Riverbank Recreation Activity Guide</u></b></li> </ul>

### AFFIDAVIT OF POSTING

*I, Annabelle Aguilar, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.*

*Posted this 5<sup>th</sup> day of May, 2016*

*/s/Annabelle H. Aguilar, CMC, City Clerk / LRA Recorder*

**Notice Regarding Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

**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.

### GENERAL INFORMATION

<b>Meeting Schedule</b>	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>
<b>City Council / LRA Agenda &amp; Reports</b>	<p>The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. <b>The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at <a href="http://www.riverbank.org">www.riverbank.org</a> upon distribution to a majority of the City Council/LRA Board.</b> A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
<b>Public Hearings</b>	<p>In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.</p>
<b>Televised / Video of Meetings</b>	<ul style="list-style-type: none"> <li>• Charter – Channel 2</li> <li>• AT&amp;T Uverse – Channel 99</li> </ul> <p>Visit <a href="http://www.riverbank.org">www.riverbank.org</a> to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)</p>
<b>City Hall Hours</b>	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
<b>Questions</b>	<p>Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org</p>

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours. 4

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

## SECTION 1: PRESENTATIONS

<b>Meeting Date:</b>	May 10, 2016
<b>Subject/ Title:</b>	Proclamation Declaring May 2016 as Older Americans Month.
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Luanne Bain, Administrative Assistant

### **RECOMMENDATION:**

It is recommended that the Mayor read the Proclamation Declaring the Month of May as Older Americans Month and present this Proclamation to Mr. Edward Jones, whose enthusiasm for life and the well-being City of Riverbank is contagious!

### **SUMMARY:**

In April of 1963, President John F. Kennedy met with the national Council of Senior Citizens to learn more about the concerns and needs of older Americans. After that meeting, President Kennedy issued a Presidential Proclamation declaring the month of May as Senior Citizens Month, and encouraged the Nation to pay tribute to its senior citizens. In 1980, President Jimmy Carter changed the name to Older Americans Month.

When President Kennedy established Senior Citizens Month in 1963, there were 17-million Americans that were age 65 or older and about a third of those seniors lived in poverty and there were very few programs to meet their needs. Two-years later, in 1965, Congress passed the Older Americans Act to address the lack of community social services for the older people in the United States. The original legislation authorized the Federal Government to make grants to the States for community planning and social services, research and development projects, and personnel training in the field of aging. The Older Americans Act also established the US Administration on Aging (AoA) to administer the newly created grant programs and to serve as the primary federal agency on issues concerning older Americans.

Historically, Older Americans Month has been a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since Kennedy has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities.

Older Americans Month is celebrated across the Country at the State and local levels, through a variety of events and other activities. Perhaps the most important and effective way to celebrate Older Americans Month is to do something direct and personal with the seniors you know and care about.

This evening we will present the Older Americans Month Proclamation to Mr. Edward Jones. Also known as “Fast Eddie”, Mr. Jones is a long-time resident of Riverbank, a veteran, a frequent visitor to our City Council meetings, and a friend to all he meets.

**FINANCIAL IMPACT:**

There is no financial impact for this item.

**ATTACHMENTS:**

1. Proclamation.

**CITY OF RIVERBANK  
PROCLAMATION**

**Older Americans Month**

**WHEREAS**, the City of Riverbank is a thriving community which includes older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

**WHEREAS**, Riverbank is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

**WHEREAS**, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

**WHEREAS**, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

**WHEREAS**, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

**WHEREAS**, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion; and
- Emphasizing home- and community-based services that support independent living; and
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

**NOW THEREFORE**, the City Council of the City of Riverbank does hereby proclaim May 2016 to be Older Americans Month. We urge every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to our community.

**MAY 10, 2016**

\_\_\_\_\_  
**Jeanine Tucker**  
Vice Mayor

\_\_\_\_\_  
**Cal Campbell**  
Councilmember

\_\_\_\_\_  
**Richard D. O'Brien**  
Mayor

\_\_\_\_\_  
**Darlene Barber-Martinez**  
Councilmember

\_\_\_\_\_  
**Leanne Jones Cruz**  
Councilmember

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY  
AGENDA ITEM NO. 3.A**

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	May 10, 2016
<b>Subject:</b>	Approval of the April 26, 2016, City Council and Local Redevelopment Authority Minutes
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

**RECOMMENDATION**

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

**SUMMARY**

The Draft Minutes of the April 26, 2016, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

**FINANCIAL IMPACT**

There is no financial impact to this item.

**ATTACHMENT**

1. April 26, 2016, City Council and LRA Minutes



City of Riverbank  
**REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY MEETINGS**  
 (The City Council also serves as the LRA Board)

**MINUTES OF**  
**TUESDAY, APRIL 26, 2016**

**CALL TO ORDER**

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Vice Mayor/Chair Jeanine Tucker presiding.

**FLAG SALUTE** Vice Mayor/Chair Jeanine Tucker

**INVOCATION** Reverend Charles Neal

**ROLL CALL**

Present: Vice Mayor/Chair Jeanine Tucker  
 Council/Authority Member Darlene Barber-Martinez  
 Council/Authority Member Cal Campbell  
 Council/Authority Member Leanne Jones Cruz

Absent: Mayor/Chair Richard D. O'Brien (excused)

**AGENDA CHANGES:** *Vice Mayor/Chair Jeanine Tucker confirmed there were no changes to the agenda.*

<b>CONFLICT OF INTEREST</b>
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.

*No one declared a conflict.*

**1. PRESENTATIONS**

**Item 1.1:** Proclamation Declaring the Month of May as Bike to Work Month – *Vice Mayor Tucker presented the proclamation to Ms. Lisa Donahue representing the Community Connection.*

**Item 1.2:** Proclamation of Autism Awareness Month – *Vice Mayor Tucker presented the proclamation to Mr. Jeff White and Councilmember Jones Cruz.*

## **2. 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 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

*Reverend Charles Neal announced the National Day of Prayer on May 5th.*

## **3. 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 otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

**Item 3.A:** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

**Item 3.B:** Approval of the April 12, 2016, City Council and Local Redevelopment Authority Minutes.

**Item 3.C:** A **Resolution** of the City Council of the City of Riverbank, California, Appropriating \$10,100.00 from the General Fund Reserve for the Repair of the Block Wall Located at Pouty Way and Oakdale Road.

**Item 3.D:** **Award Bid for the Slurry Seal Project 2016 and Authorize Execution of Future Change Orders** – It is recommended that City Council approve two (2) actions by a roll call vote: 1) Award bid to the lowest responsible bidder, VSS International, Inc.; and 2) Authorize the City Manager to execute Change Orders within total project budget.

**Item 3.E:** A **Resolution [No. 2016-025]** Authorizing the City Manager to Execute and Submit Applications to the California Department of Resources Recycling and Recovery (CalRecycle) for the Beverage Container Recycling Payment Program.

**LRA Item 3.F:** A **Resolution [No. 2016-003]** of the Local Redevelopment Authority of the City of Riverbank, California, Amending the Existing Contract with San Joaquin Engineering Solutions LLC for Facility Management Services to Include Work on the Environmental Services Cooperative Agreement No. 2.

**Recommendation:** It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

**ACTION:** *By motion moved and seconded (Campbell/ Jones Cruz/passed 4-0) to approve Items 3.A, 3.B, 3.E, and 3.F, as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

*AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker*

*NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

**Reference 3.C:** *Councilmember Jones Cruz requested to pull this item for discussion and inquired about the extent of investigation and responsibility of the liability. After further consideration, City Council agreed to table for further investigation.*

**Reference 3.D:** *Councilmember Barber-Martinez requested to pull this item for discussion, and inquired whether there would be problems with the installation of the water meters and the slurry seal project. CDS Administration Manager Kathleen Cleek stated the timing of both projects had been coordinated to not interfere with each other.*

**ACTION:** *By motion moved and seconded (Jones Cruz / Campbell /passed 4-0) to approve Items 3.D as presented. Motion carried by unanimous City Council roll call vote.*

*AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker*

*NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

#### **4. UNFINISHED BUSINESS**

**Item 4.1:** **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2016-003 of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance and Section 153.218: Appeals of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with New Sections 153.217 and 153.218** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-003 and consider its adoption by roll call vote.

*City Manager Jill Anderson presented the staff report.*

**ACTION:** *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 4-0) to approve the Second Reading and Adoption of Ordinance No. 2016-003 as presented. Motion carried by unanimous City Council roll call vote.*

*AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker,*

*NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

**5. PUBLIC HEARINGS**      There were no items to consider.

#### **6. NEW BUSINESS**

**Item 6.1:** **A Resolution [No. 2016-027] of the City Council of the City of Riverbank, California, Establishing the City's Outdoor Water Use Policy** – It is recommended that the City Council adopt the proposed resolution to implement the updated outdoor water use plan as policy, thereby, establishing the enforcement and restrictions of water use in accordance with water provisions in Chapter 52 of the Riverbank Municipal Code.

*City Manager Jill Anderson presented the staff report in the absence of Public Works Superintendent Michael Riddell; City Clerk/Sr. Management Analyst Annabelle Aguilar was present to assist.*

*City Council and Staff discussed the item.*

**Public Comment:** *Mr. Scott McRitchie, Riverbank, provided his recommendations to the proposed policy, and due to all the City's efforts in conserving water, questioned the method of measuring the City's water use.*

**ACTION:** *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 4-0) to adopt Resolution No. 2016-027 of the City Council of the City of Riverbank, California, Establishing the City's Outdoor Water Use Policy to include the amendments of (1) stating that the \$25 appeal request administrative processing fee "may be refundable"; (2) remove the \$25 application processing fee for a hardship exemption; and (3) change the no watering winter hours to be 10:00 a.m. – 4:00 p.m. Motion carried by unanimous City Council roll call vote.  
AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker  
NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

**Item 6.2:** **A Resolution [No. 2016-028] of the City Council of the City of Riverbank, California, Implementing a Utility Rate Assistance Program (URAP) for Water and Sewer Rates for Low-Income Senior and Low-Income Permanently-Disabled Residents** – It is recommended that the City Council consider adopting a Resolution regarding the implementation of a Utility Rate Assistance Program (URAP) for Water and Sewer Rates for Low-Income Senior and Low-Income Permanently-Disabled Residents.

*Finance Director Marisela Garcia presented the staff report.*

**Public Comment:**

- *Mr. Scott McRitchie, Riverbank, inquired about Census Data use.*
- *Mrs. Evelyn Halbert, Riverbank, was not in favor of the program's "extremely" low-income requirement. City Manager Anderson responded to Mrs. Halbert's comments.*

**ACTION:** *By motion moved and seconded (Barber-Martinez / Campbell / passed 4-0) to adopt Resolution No. 2016-028 of the City Council of the City of Riverbank, California, Implementing a Utility Rate Assistance Program (URAP) for Water and Sewer Rates for Low-Income Senior and Low-Income Permanently-Disabled Residents. Motion carried by unanimous City Council roll call vote.  
AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker  
NAYS: None / ABSENT: Mayor O'Brien / ABSTAINED: None*

**Item 6.3:** Receive Presentation Regarding the Proposed Expenditure Plan Adopted by the Stanislaus Council of Governments (StanCOG) Board of Directors and Review the City of Riverbank's Expenditure Plan Project List – It is recommended that the City Council hear the presentation regarding the proposed Expenditure Plan adopted by the StanCOG Board of Directors and provide any feedback or comments on the City of Riverbank's Expenditure Plan Project List.

*Community Development Services Administration Manager Kathleen Cleek presented the staff report.*

***Public Comment:** Mrs. Evelyn Halbert inquired about clarification of installing a traffic signal at HWY 108 and First Street as stated in the plan. Ms. Cleek clarified the information. Mrs. Halbert inquired about notification of widening the intersection. City Manager Anderson responded.*

## **7. COMMENTS (Information only – No action)**

**Item 7.1:** Staff Comments

- *Parks and Recreation Director Sue Fitzpatrick announced several City events.*
- *City Manager Jill Anderson announced other organization's events in the City.*

**Item 7.2:** Council/Authority Member Comments

- *Council/Authority Member Jones Cruz announced that she and Council/Authority Member Barber-Martinez were attending the "Legislative Days" Conference in Sacramento.*
- *Council/Authority Member Campbell invited everyone to participate in the Color Run event.*
- *Council/Authority Member Barber-Martinez thanked volunteers of the Love Riverbank event, announced Older Americans Awareness month, and thanked Chief Kiely.*

**Item 7.3:** Mayor/Chair Comments – *Mayor/Chair O'Brien was absent (excused).*

## **8. CLOSED SESSION**

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

*VICE MAYOR/CHAIR TUCKER ANNOUNCED THE CLOSED SESSION ITEM AND OPENED FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO CLOSED SESSION AT 7:48 P.M.*

Name of Case: City of Riverbank v. Riverbank Oil Transfer, LLC  
Stanislaus County Superior Court Case No. 2012779

**9. REPORT FROM CLOSED SESSION**

*VICE MAYOR/CHAIR TUCKER RECONVENED THE MEETINGS AT 7:53 P.M.*

**Item 9.1: Report from Closed Session Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

*City Attorney Tom Hallinan reported that a \$300,000 settlement was reached with Riverbank Oil Transfer LLC. Riverbank Oil agreed to pay the City installments of \$5,000 a month for the next five years.*

**ADJOURNMENT**

There being no further business, Vice Mayor/Chair Tucker adjourned the meetings at 7:54 p.m.

**ATTEST: (Adopted 05/10/16)**

**APPROVED:**

\_\_\_\_\_  
Annabelle H. Aguilar, CMC  
City Clerk / LRA Recorder

\_\_\_\_\_  
Jeanine Tucker  
Vice Mayor / Chair

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

## SECTION 6: NEW BUSINESS

<b>Meeting Date:</b>	May 10, 2016
<b>Subject:</b>	Acceptance of the Roselle Ave Sidewalk Project and Authorization to File a Notice of Completion
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Marisela H. Garcia, Director of Finance/City Treasurer Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

### **RECOMMENDATION:**

It is recommended that the City Council accept the completion of the Roselle Avenue Sidewalk Project and authorize staff to file a Notice of Completion.

### **SUMMARY:**

McFadden Construction, Inc. has completed the construction of the Roselle Avenue Sidewalk 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 purpose of the project was to install pedestrian improvements along Roselle Avenue between Ross Avenue and Turpin Avenue. The scope of work included constructing sidewalks and upgrading ramps to be compliant with the American with Disabilities Act (ADA), and consisted of furnishing all labor, materials, equipment, transportation, and incidentals necessary to construct all curb, gutter, handicap ramps, sidewalk, driveways, fencing, asphalt concrete paving, striping, drainage and demolition.

The contract was awarded on October 13, 2015 to McFadden Construction, Inc. in the amount of \$93,627.90. A total of three (3) Contract Change Orders were issued for this project due to various items and changes in quantities in the amount of \$14,823.67 (15.83% of the original construction cost). Due to weather conditions there was a delay in the completion of this project and also due to the contractor. We found working with this contractor to be difficult. There were a lot of punch list items due to the contractor failing to meet pertinent City Standards or criteria established by the City in the Plans and Specifications. At times we found the contractor nonresponsive. Many emails, phone calls, meetings and site visits were under taken by staff to complete this project.

It is recommended that the Council accept the Roselle Avenue Sidewalk Project as complete and authorize the Project Coordinator to record the Notice of Completion.

**FISCAL IMPACT:**

The total cost of construction including change orders is \$108,451.57. Overall the project was completed at 15.83% over the original project bid. The project was programmed in the Federal Transportation Improvement Plan (FTIP) under the Congestion Mitigation Air Quality (CMAQ). This project was completed on budget.

Preliminary Engineering	\$ 20,000
Construction Engineering & Construction	<u>\$110,616</u>
<b>TOTAL</b>	<b>\$130,616</b>

**ATTACHMENTS:**

1. Notice of Completion.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
STREET  
ADDRESS  
CITY &  
STATE

City of Riverbank  
Attn: Development Services  
6707 Third Street  
Riverbank, CA 95367

SPACE 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)
<u>N/A</u>	
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)
<u>N/A</u>	
7. A work of improvement on the property described below was completed on May 10, 2016  
(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.



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") McFadden Construction, Inc.

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

The kind of work done or finished was Construct all curb, gutter, handicap ramps, sidewalk, driveways, fencing, asphalt concrete paving, striping, drainage and demolition  
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)

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:  
Roselle Avenue Sidewalk Project  
(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description If Possible)

10. The street address of the said property is Roselle Avenue (between Ross and Turpin), Riverbank, CA 95367  
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 10 day of May, 2016  
(Day) (Month) (Year)

\_\_\_\_\_  
(Owner's Signature) City of Riverbank  
Laura Graybill, Project Coordinator  
(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 10 day of May, 2016  
(Day) (Month) (Year)

\_\_\_\_\_  
(Signature of Person Signing Notice of Completion)  
Laura Graybill, Project Coordinator  
City of Riverbank

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).