



NOTICE AND CALL OF A  
CITY OF RIVERBANK  
**SPECIAL CITY COUNCIL MEETING**  
City Hall Council Chambers  
6707 Third Street, Suite B • Riverbank • CA 95367



# AGENDA

**MONDAY, NOVEMBER 14, 2016 AT 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 Richard D. O’Brien
- FLAG SALUTE:** Mayor Richard D. O’Brien
- ROLL CALL:** Mayor Richard D. O’Brien  
Vice Mayor Jeanine Tucker  
Councilmember Darlene Barber-Martinez  
Councilmember Cal Campbell  
Councilmember Leanne Jones Cruz

<b>CONFLICT OF INTEREST</b>
Any Council Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict at this time.

**1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)**

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are 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.

**2. 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 recessing into Closed Session.

**Item 2.1:** PUBLIC EMPLOYMENT  
Pursuant to Government Code Section 54957(b) (1)  
Position Title: City Manager

**Item 2.2:** PUBLIC EMPLOYMENT  
Pursuant to Government Code Section 54957(b) (1)  
Position Title: Director of Finance

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

### **3. REPORT FROM CLOSED SESSION**

**Item 3.1:** Report on Closed Session Item 2.1: **PUBLIC EMPLOYMENT** – City Manager Position

**Item 3.2:** Report on Closed Session Item 2.2: **PUBLIC EMPLOYMENT** – Director of Finance

### **4. BUSINESS**

**Item 4.1:** **Approve City Manager Contract** – It is recommended that the Riverbank City Council approve the City Manager Employment Agreement between the City of Riverbank and Sean Scully.

**Item 4.2:** **Approve Assistant City Manager Contract** – It is recommended that the City Council APPROVE AN Assistant City Manager Employment Agreement between the City of Riverbank and Marisela H. Garcia.

### **ADJOURNMENT**

**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 24 hours prior to the meeting in accordance to the Brown Act.*

*Dated this 10<sup>th</sup> day of November, 2016*

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

**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. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [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 <a href="mailto:cityclerk@riverbank.org">cityclerk@riverbank.org</a></p>

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council 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, Suite A, Riverbank, CA, during normal business hours. 3.

## SPECIAL RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

### SECTION 4: BUSINESS

<b>Meeting Date:</b>	November 14, 2016
<b>Subject:</b>	Approve City Manager Employment Contract
<b>From:</b>	Tom Hallinan, City Attorney
<b>Submitted by:</b>	Tom Hallinan, City Attorney

#### **RECOMMENDATION**

It is recommended that the Riverbank City Council ("City Council") approve the City Manager Employment Agreement between the City of Riverbank ("City") and Sean Scully.

#### **SUMMARY**

In August 2016, the City of Riverbank ("City") began recruitment efforts to fill its vacant City Manager position. After interviewing several qualified candidates, the City Council directed staff to commence contact negotiations with Sean Scully. Mr. Scully has spent the last decade working for municipalities throughout the Central Valley, beginning as an Assistant Planner of Economic Development in the City of Turlock, through his current position as City Manager in Gustine.

Copies of the proposed agreement will be available prior to the meeting.

#### **FINANCIAL IMPACT**

The potential financial impact will depend on the terms of the final agreement approved by the City Council.

#### **STRATEGIC PLAN**

Consideration of hiring a new City Manager who meets the City Council's approval is consistent with the City's goal of attracting, developing and retaining quality staff.

#### **ATTACHMENTS**

None

## SPECIAL RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.2

### SECTION 4: BUSINESS

<b>Meeting Date:</b>	November 14, 2016
<b>Subject:</b>	Approve Assistant City Manager Contract
<b>From:</b>	Tom Hallinan, City Attorney
<b>Submitted by:</b>	Tom Hallinan, City Attorney

#### **RECOMMENDATION**

It is recommended that the Riverbank City Council ("City Council") approve an Assistant City Manager Employment Agreement between the City of Riverbank ("City") and Marisela H. Garcia.

#### **SUMMARY**

On November 8, 2016, the City Council provided direction to staff and legal counsel to take the necessary steps to create an Assistant City Manager position and make the corresponding changes to the Riverbank Municipal Code ("R.M.C."). Staff anticipates presenting the City Council with a proposed ordinance to amend the R.M.C. at the next regular City Council meeting.

Staff is presenting an employment agreement for the position of Assistant City Manager between the City and Marisela H. Garcia consistent with the City Council's direction to establish a succession plan and provide a mechanism for current staff to advance. Ms. Garcia currently holds the position of Director of Finance and has served as the Interim City Manager since the City Manager position became vacant. This new employment agreement would reflect Ms. Garcia's current role and duties and add the duties of Assistant City Manager to her position.

Copies of the proposed agreement will be available prior to the meeting. The employment agreement will contain substantially the same terms as Ms. Garcia's current employment agreement with the City but will contain corresponding adjustments based on the increase in duties and responsibilities.

#### **FINANCIAL IMPACT**

Any budgetary adjustments necessary to accommodate the terms of this employment agreement will be based on the difference between Ms. Garcia's current salary structure and one for the Assistant City Manager position.

## **STRATEGIC PLAN**

While the Assistant City Manager position is not specifically included in the City's Strategic Plan, it is consistent with the City's goal of attracting, developing and retaining quality staff.

## **ATTACHMENTS**

None