



CITY OF RIVERBANK
REGULAR CITY COUNCIL MEETING
City Hall Council Chambers
6707 Third Street • Riverbank • CA 95367



AGENDA

MONDAY, MARCH 25, 2013 – 6:00 P.M.

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 Dotty Nygard
Councilmember (vacant)

CONFLICT OF INTEREST
Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

1. PRESENTATIONS

Item 1.1: Presentation by Project Action Parent Collaborative.

Item 1.2: Presentation by Stanislaus Council of Governments (StanCOG)
Regarding Annual Unmet Transit Needs Assessment.

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. 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 at this time, under this item, cannot be discussed or acted upon by the City Council. For record purposes, please step up to the podium and state your name and City of residence. When speaking, please address the entire City Council and refrain from directing your comments to a single Member of the Council or the audience.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember 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 February 20, 2013, Special City Council Meeting Minutes.

Item 3.B-1: Approval of the February 25, 2013, Special Joint City Council / Planning Commission Meeting Minutes.

Item 3.B-2: Approval of the February 25, 2013, Regular City Council Meeting Minutes.

Item 3.B-3: Approval of the February 27, 2013, Special City Council Meeting Minutes.

Item 3.B-4: Notice to Move Approval of the Minutes for the March 11, 2013, Special City Council Meeting and Regular City Council Meeting to the April 8, Regular City Council Meeting

Item 3.C: Warrant Registers for 03/07/2013 and 03/14/2013.

Item 3.D: **Award Bid for the Claus Road Pavement Overlay Project and Authorize Execution of Future Change Orders** – It is recommended that City Council Award the lowest responsible bidder, Knife River Construction to contract to construct the Claus Road Pavement Overlay Project and authorize the City Manager to execute change orders within total project budget.

Item 3.E: **Award Bid for the Terminal Avenue Pavement Overlay Project and Authorize Execution of Future Change Orders** – It is recommended that City Council Award the lowest responsible bidder, Knife River Construction to contract to construct the Terminal Avenue Pavement Overlay Project and authorize the City Manager to execute change orders within total project budget.

Item 3.F: **Resolution to Approve Execution of a Memorandum of Agreement with Stanislaus County for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project** – It is recommended that the City Council authorize the City Manager to execute a Memorandum of Agreement between the County of Stanislaus and the City of Riverbank for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project.

Item 3.G **Resolution to Adopt the Support of Enterprise Zones** – It is recommended that the City Council Adopt a Resolution Supporting Enterprise Zones.

Recommendation:

It is recommended that City Council approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

Item 5.1: **Certification of the Downtown Riverbank Final Environmental Impact Report; Adoption of CEQA Findings of Fact and Statement of Overriding Considerations; and Adoption of a Mitigation Monitoring and Reporting Program** – It is recommended that the City Council:

- 1) Open the public hearing; receive public comments; close the public hearing;
- 2) Approve the resolution which will certify the EIR, adopt the CEQA Findings of Fact and Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program.

Item 5.2: **Resolution Authorizing the Submittal of an Application in Response to the 2013 State Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA)** – It is recommended that the City Council 1) Open the Public Hearing for public comment, and 2) Authorize the approval of an application for funding and execution of a grant agreement from the 2013 Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA) from the State of California.

Item 5.3: **Authorize the Submittal of a Request for Release of Funds and Certification to the Department of Housing & Community Development for Community Development Block Grant and Program Income Funds** – It is recommended that the City Council authorize the submittal of a Request for Release of Funds and Certification to the Department of Housing & Community Development for Community Development Block Grant and Program Income Funds.

Item 5.4: **A Resolution to Transfer Funds within the CDBG Program Income Revolving Loan Accounts** – It is recommended that the City Council (1) Open public hearing, receive public input, and close public hearing; and (2) Adopt a Resolution approving a transfer of funds Amongst Program Income Revolving Loan Accounts.

Item 5.5: **Continuation of the Public Hearing for Approval to Amend and Adopt the Program Income Revolving Loan Account Guidelines** – It is

recommended that the City Council continue this item for consideration to the next regularly scheduled City Council meeting on April 8, 2013, at 12:00 p.m. (All Brown Act requirements have been met for the noticing of the public hearing and will be met again for the continuance of this item.)

6. NEW BUSINESS

Item 6.1: **Approval of Proposed Amendments to the League of California Cities' Bylaws by Mail Ballot** – It is recommended that the City Council consider the two proposed amendments to the League's Bylaws and by majority consensus indicate whether a Yes or No vote on each amendment will be indicated on the mail ballot.

Item 6.2: **Presentation of the Grover Landscaping Contract for Park Maintenance** – It is recommended that the City Council review and comment as needed on the presentation regarding the City's ongoing contract with Grover Landscaping for Park Maintenance.

Item 6.3: **Presentation Regarding Landscape and Lighting Districts Contract with Grover Landscaping Services, Inc.** – It is recommended that the City Council receive the presentation and provide comment as appropriate.

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Item 7.2: Council Comments: (Information Only – No Action)

Item 7.3: Mayor's Comments: (Information Only – No Action)

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code § 54957.6
Agency representative: Jill Anderson, City Manager
Employee Organization: Riverbank Miscellaneous Employees / Mid-Management Bargaining Unit

Item 8.2: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code § 54957

Title: City Manager

Item 8.3: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code § 54957

Title: City Attorney

Recommendation:

It is recommended that City Council provide direction to Staff on the Closed Session items.

9. REPORT FROM CLOSED SESSION**Item 9.1:** Report out on Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS****Item 9.2:** Report out on Item 8.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – City Manager**Item 9.3:** Report out on Item 8.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – City Attorney**ADJOURNMENT** (The next regular City Council meeting – April 8 at **12:00 Noon**)**UPCOMING EVENTS:**

March 27 (Wednesday)	§ <u>Budget Advisory Committee Meeting on @ 6:00 pm in the City Hall Council Chambers.</u>
Open until filled (1 vacancy)	§ <u>Budget Advisory Committee Vacancy:</u> Interested in serving on the Committee, obtain an application at City Hall South, at www.riverbank.org , or contact Marisela Hernandez, Finance Director, at 863-7110.
Continuous (Mondays)	§ <u>Ballet Folklorico – classes at the Community Center at 5:30 pm (Contact Parks & Recreation at 863-7150)</u>

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting.

Dated this 21st day of March, 2013
Annabelle 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 48-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 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:	The Riverbank City Council meets in the Council Chambers on the second and fourth Mondays of each month at 6:00 p.m., and at 12:00 Noon for every first meeting of the month of each quarter (January, April, July, and October); unless otherwise noticed.
Council Agendas:	The City Council agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted. Additional documents may be provided by the City in its efforts of transparency and to keep the public well informed, however, it is not required by the Brown Act. The agenda is posted for public review at the City's website at www.riverbank.org , at the City Clerk's Office and on the exterior of the North City Hall building's bulletin board at 6707 Third Street, Riverbank, California. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings:	In general, a public hearing is an open consideration within a regular meeting of the City Council, 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.
Questions:	Contact the City Clerk at (209) 863-7122 or aguilar@riverbank.org

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at North City Hall, 6707 Third Street, Riverbank, CA.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	March 25, 2013
Subject:	Presentation by Project Action Parent Collaborative
From:	Jill Anderson, City Manager
Submitted by:	Luanne Bain, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council receive the Presentation and provide comment.

SUMMARY

Representatives from Project Action, Angela Bailey and Bianca Lopez, are scheduled to make a presentation about afterschool programs and the upcoming reductions of Federal funding in 2013-2014. The Project Action Parent Collaborative has been active in the community providing surveys to help determine the needs of our community in regards to afterschool care including: on or off campus programs, fee or free programs, fulltime or drop-in availability, and more.

Ms. Bailey and Ms. Lopez have a PowerPoint Presentation which will offer additional information.

FINANCIAL IMPACT

There is no direct financial impact to the City.

ATTACHMENT

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	March 25, 2013
Subject:	Presentation by Stanislaus Council of Governments (StanCOG) Regarding Annual Unmet Transit Needs Assessment
From:	Jill Anderson, City Manager
Submitted by:	Luanne Bain, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council receive the Presentation and provide comment as deemed necessary.

SUMMARY

The Stanislaus Council of Governments (StanCOG) is in the process of conducting their annual Unmet Transit Needs Assessment. The study includes the holding of public hearings to elicit comments regarding unmet transit needs. The final public hearing will be held in Oakdale at the Gladys Lemmons Senior Community Center on Wednesday, March 27, at 6:00pm. The Senior Community Center is located at 450 East A Street, which is one-block east of Highway 120.

The public hearing on March 27th will provide residents an opportunity to step forward and ask for transportation help in their neighborhoods.

FINANCIAL IMPACT

There is no financial impact with this item.

ATTACHMENTS

The following items are attached to this report:

1. Meeting Flyer – English
2. Meeting Flyer - Spanish

Having Trouble Finding Public Transportation Service?

- ♦ *Do existing transit services meet your needs?*
- ♦ *Is there a new transit route needed in your area?*
- ♦ *Do you need specialized transportation service not currently available?*

StanCOG is conducting its annual Unmet Transit Needs Assessment and would like your input!

For comments/questions contact:

Mike Costa, Associate Planner
(209) 525-4644
mcosta@stancog.org

Or visit:

www.stancog.org/unmet-transit-needs.shtml

Come Let Us Know!

Two public hearings will be held to receive comments on any unmet transit needs in Stanislaus County.

Thursday, February 28, 2013

6:00 p.m.—7:00 p.m.

Waterford City Hall

Council Chambers

101 E Street

Waterford, CA

Wednesday, March 27, 2013

6:00 p.m.—7:00 p.m.

Gladys Lemmons Senior

Community Center

450 East A Street

Oakdale, CA

Spanish translation will be provided



¿Tiene Dificultad Para Encontrar Servicio de Transporte?

- ♦ *¿Satisfacen sus necesidades los servicios ya existentes?*
- ♦ *¿Se necesita una nueva ruta de tránsito en donde vive?*
- ♦ *¿Necesita un transporte especial que aún no se ofrece?*

StanCOG esta efectuando su Evaluación Anual de Necesidades de Transporte sin Solucionar ¡Y quiere su opinión!

Comentarios/preguntas, comuníquese con:

Mike Costa, Associate Planner
(209) 525-4644
mcosta@stancog.org

O visite:
www.stancog.org/unmet-transit-needs.shtm

¡Venga y Díganos!

Se llevarán a cabo dos audiencias públicas para escuchar todo comentario sobre necesidades de transporte sin solucionar en el Condado Stanislaus.

Jueves, 28 de febrero, 2013
6:00 p.m.—7:00 p.m.

Ayuntamiento de Waterford
Sala del Concejo
101 E Street
Waterford, CA

Miércoles, 27 de marzo, 2013
6:00 p.m.—7:00 p.m.

Centro Comunitario para Tercera Edad
Gladys Lemmons
450 East A Street
Oakdale, CA

Se ofrecerá traducción al español



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Approval of the February 20, 2013, Special City Council Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the Special City Council Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the February 20, 2013, Special City Council meeting have been prepared for the City Council's review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. February 20, 2013, Special City Council Minutes



**CITY OF RIVERBANK
SPECIAL CITY COUNCIL MEETING
MINUTES
MONDAY, FEBRUARY 20, 2013**



The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council of the City of Riverbank met this date for a Special City Council Meeting at 5:00 p.m. at the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Richard D. O'Brien presiding.

ROLL CALL:

Present: Mayor Richard D. O'Brien; *Vice Mayor Jeanine Tucker
**Councilmembers: Darlene Barber-Martinez and Dotty Nygard
(*Arrived at 5:04 p.m.) (**one Councilmember vacancy)

CONFLICT OF INTEREST

Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one spoke.

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

Pursuant to Government Code 54954.3, 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.

No one spoke.

2. PRESENTATION

Item 2.1: Introduction of Steve Churchwell, Attorney at Law and Partner of Churchwell White, LLP.

Special Counsel, Douglas White, introduced new Special Counsel, Steve Churchwell who has recently partnered with Mr. White in creating their new law firm Churchwell White, LLP. Mr. Churchwell provided a brief profile of his background and experience in practicing law and the creation of their new firm.

3. NEW BUSINESS

Item 3.1: Consideration for Adoption of Amendments to Resolution 2013-004 Clarifying Matters Relating to the Calling and Holding of a June 4, 2013, Special Municipal Election to fill a Councilmember Vacancy.

City Manager, Jill Anderson introduced the item for consideration.

City Attorney, Doug White, presented the item. Mr. White explained and clarified the need to Amend Resolution No. 2013-004 in response to the letter received by Stanislaus County Clerk Recorder/Registrar of Voters, Ms. Lee Lundrigan. Mr. White introduced Resolution 2013-004-A, which he stated for the record was an amendment to Resolution No. 2013-004 that clarified when and how the election was called by the City Council of Riverbank, and introduced Resolution 2013-004-B, which authorized the City to render election services from the Stanislaus County Registrar of Voters, Elections Division; including the scope of work, a provision to defend and indemnify the County should any challenges to the election occur, and paying all costs incurred related to the conduct of the election. Mr. White clarified that the County had no obligation to render election services and therefore Resolution 2013-004-B also included the approval of rendering election services from another public agency or firm.

City Council and Legal Counsel (Mr. White and Mr. Churchwell) discussed the following issues: (1) the purpose of Resolution No. 2013-004-A, (2) the requirements of rendering election services, (3) the date the election must be held, (4) addressing the Stanislaus County Board of Supervisors on this issue, and (5) the use of another entity for election services.

Mr. White stated he would follow up with a letter to Ms. Lundrigan explaining the amendment of Resolution No. 2013-004 with Resolutions 2013-004-A and 2013-004-B.

Councilmember Nygard suggested that staff look into other election services providers while the City waited for the outcome of the County's decision to have the County Registrar of Voters render election services; Ms. Anderson responded preliminary research could be done and would be necessary should the County not agree to provide the services.

Mr. White clarified that the Resolutions were prepared to allow the City to render election services from another entity should that be needed.

ACTION: Motion (Tucker / Nygard / passed 4-0) to adopt Resolution No. 2013-004-A amending Resolution No. 2013-004 and to adopt Resolution No. 2013-004-B amending Resolution No. 2013-004, authorizing City to render election services from the Stanislaus County of Registrar Voters, Election Division or other election services firm for the June 4, 2013 special election, as presented; motion carried by unanimous roll call vote.

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 5:25 p.m.

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B-1

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Approval of the February 25, 2013, Special Joint City Council and Planning Commission Meeting Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the Special Joint City Council and Planning Commission Meeting Minutes as presented.

SUMMARY

The draft minutes of the February 25, 2013, Special Joint City Council and Planning Commission meeting have been prepared for the City Council's review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. February 25, 2013, Special Joint City Council and Planning Commission Minutes



**CITY OF RIVERBANK
SPECIAL JOINT
CITY COUNCIL AND PLANNING COMMISSION
MINUTES
MONDAY, FEBRUARY 25, 2013**



The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council and Planning Commission of the City of Riverbank met this date in a special session at 5:31 p.m. in the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Richard D. O'Brien presiding.

ROLL CALL:

Present: Mayor Richard D. O'Brien; Vice Mayor Jeanine Tucker
Councilmembers: Darlene Barber-Martinez and Dotty Nygard

Chair Joan Stewart; Vice Chair Patricia Hughes
*Commissioners: **John Degele and Carlos Villapudua
(*Current vacancy) (**Arrived at 5:30 p.m.)

Absent: Commissioner Max Melendez

CONFLICT OF INTEREST

Council Members, Planning Commissioners, and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one spoke.

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.

No one spoke.

2. PRESENTATION

Item 2.1: **Presentation on the Regional Transportation Plan (RTP) and the Valley Vision Stanislaus** – It is recommended that the City Council and Planning Commission accept a presentation from the Stanislaus Council of Governments (StanCOG) concerning the upcoming Regional Transportation Plan (RTP) and associated Valley Vision Stanislaus effort and provide direction as deemed appropriate.

Mr. Carlos Yamzon, Executive Director of Stanislaus Council of Government, introduced the item and Ms. Kendall Flint, Consultant of Flint Strategies who made the presentation; Mr. Jalyn French, Project Manager of the Regional Transportation Plan, was also present.

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 6:11 p.m.

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B-2

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Approval of the February 25, 2013, Regular City Council Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the Regular City Council Meeting Minutes as presented.

SUMMARY

The draft minutes of the February 25, 2013, Regular City Council meeting have been prepared for the City Council's review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. February 25, 2013, Regular City Council Minutes



**CITY OF RIVERBANK
REGULAR CITY COUNCIL MEETING
MINUTES
MONDAY, FEBRUARY 25, 2013**



The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council of the City of Riverbank met this date in a regular session at 6:15 p.m. in the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Richard D. O'Brien presiding.

FLAG SALUTE: Mayor Richard D. O'Brien

ROLL CALL:

Present: Mayor Richard D. O'Brien; Vice Mayor Jeanine Tucker
***Councilmembers:** Darlene Barber-Martinez and Dotty Nygard
(*one Councilmember vacancy)

CONFLICT OF INTEREST

Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

Mayor O'Brien stated he would abstain from consideration of a warrant for a purchase made at O'Brien's Market.

1. PRESENTATIONS *No presentations were scheduled.*

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. 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 under this item cannot be discussed or acted upon at this time by the City Council. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

Mr. Ramon Bermudez, Riverbank, spoke in regards to a Modesto Bee article about the

City of Oakdale and a claim of racial discrimination, and how discrimination still exists in the 21st century.

Mr. Scott McRitchie, Riverbank, inquired about the availability of the Local Redevelopment Authority Oversight [Advisory] Committee meeting minutes and if Members of the City Council were aware of the Committee's actions to-date.

Mr. Larry King, Riverbank, spoke in regards to the City's animal ordinance and the possibility of adding chickens and bees to the list of animals allowed within the City limits and mentioned examples of the ordinances for the Cities of Modesto and Sacramento.

Mr. Edward Jones, Riverbank, spoke in regards to stopping trucks from parking in front of the trailer park across from O'Brien's Market [along Highway 108] blocking the view of oncoming traffic, making it difficult to pull out, and also inquired about building the animal shelter at a better location.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember 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: Notice to Move Approval of the February 11, 2013, Regular City Council Minutes and February 20, 2013 Special City Council Minutes to the next Regular March 11, 2013, City Council Meeting.

Item 3.C: Approval of Warrant Register for 02/07/2013 and Credit Card Statement for 01/22/2013.

Item 3.D: **Resolution No. 2013-008 to Approve the Oakdale at Morrill Signalization Project Budget Adjustment and Agreement with Modesto Irrigation District (MID)** – It is recommended that the City Council authorize City staff to take necessary steps to commence construction of a traffic signal at Oakdale and Morrill, including entering into an agreement with MID for the relocation of utility poles and expenditure of System Development Fees, consistent with the project plan.

Mayor O'Brien stated he would recuse himself [abstain] from the warrant on Item 3.C as previously mentioned.

Councilmember Nygard requested to pull Item 3.D for clarification.

ACTION: *By motion (Tucker/ Barber-Martinez/ passed 4-0) to approve Consent Calendar Items 3.A through 3.C (accept Warrant #39114 for \$49.98 of Item 3.C); (Tucker / Barber-Martinez / passed 3-0 / O'Brien-abstained) to approve Warrant # 39114 for \$49.98 purchase at O'Brien's Market); motion carried by roll call vote.*

ACTION: *By motion (Nygard / O'Brien / passed 4-0) to approve Item 3.D as presented; motion carried by unanimous roll call vote.*

4. UNFINISHED BUSINESS *There were no items for consideration.*

5. PUBLIC HEARINGS

Item 5.1: *Resolution No. 2013-009 to Establish, Amend, or Authorize Spring/Summer Fees for the City of Riverbank Recreation Programs and Facility Use – It is recommended that City Council open the public hearing, receive comments, close the public hearing and adopt the Resolution by roll call vote.*

Sue Fitzpatrick, Director of Parks & Recreation presented the staff report.

Mayor O'Brien opened the Public Hearing at 6:43pm.

· Mr. Ramon Bermudez thanked Ms. Fitzpatrick for her work.

Mayor O'Brien closed the Public Hearing at 6:44pm.

ACTION: *By motion (Tucker / Nygard / passed 4-0) to adopt Resolution No. 2013-009 to Establish, Amend, or Authorize Spring/Summer Fees for the City of Riverbank Recreation Programs and Facility Use as presented; motion carried by unanimous roll call vote.*

Item 5.2: *Resolution No. 2013-010 to Adopt the Revised Community Development Block Grant Program – Program Income Reuse Plan with Jurisdictional Certifications – It is recommended that the City Council Adopt a Resolution Approving the revised Community Development Block Grant Program – Program Income Reuse Plan with Jurisdictional Certifications, consistent with the funding requirements issued by Housing and Community Development (HCD), which a branch of Housing and Urban Development (HUD).*

Marisela Hernandez, Director of Finance, presented the staff report.

Mayor O'Brien opened the Public Hearing at 6:48pm.

· *No one spoke for or against the item.*

Mayor O'Brien closed the Public Hearing at 6:48pm.

ACTION: *By motion (Barber-Martinez / Tucker / passed 4-0) to adopt Resolution No. 2013-010, Approving the Revised Community Development Block Grant Program – Program Income Reuse Plan with Jurisdictional Certifications as presented; motion carried by unanimous roll call vote.*

Item 5.3: ***Resolution No. 2013-011 - Authorizing the First Public Hearing for the 2013 Community Development Block Grant Notice of Funding Available (NOFA)** – It is recommended that the City Council hold the first public hearing regarding the submittal of the 2013 Community Development Block Grant Notice of Funding Available.*

Marisela Hernandez, Finance Director, presented the staff report; City Council and Staff discussed the item.

Mayor O'Brien opened the Public Hearing at 6:54 p.m.

· *No one spoke for or against the item.*

Mayor O'Brien closed the Public Hearing at 6:55 p.m.

ACTION: *By motion (Tucker / O'Brien / passed 4-0) to adopt Resolution No. 2013-011, Authorizing the First Public Hearing for the 2013 Community Development Block Grant Notice of Funding Available (NOFA) as presented; motion carried by unanimous roll call vote.*

6. NEW BUSINESS

Item 6.1: ***Update on the Use of the City's Remote Pipeline Televising and Inspection Equipment** – It is recommended that the City Council receive and review information on the use of the robotic video survey equipment.*

J.D. Hightower, Director of Development Service, presented an update (PowerPoint presentation) on the Remote Pipeline and Inspection Program.

City Council and Staff discussed the utilization of the equipment and State mandates.

Item 6.2: ***Update on Park Master Plans** – It is recommended that the City Council review and comment on the presentation regarding the City's existing park master plans.*

Sue Fitzpatrick, Director of Parks and Recreation, presented an update (PowerPoint presentation) on the Park Master Plans

City Council and Staff discussed the item.

Jill Anderson, City Manager, announced that Amy Rodriguez, a Master of Public Administration Intern, was assisting Ms. Fitzpatrick with grant research.

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Ms. Hernandez announced the Budget Advisory Committee meeting, Wednesday, February 7 at 6:00 p.m. and invited people to apply for the two current committee vacancies.

Ms. Anderson announced a City Council and Staff Strategic Planning Meeting scheduled on Wednesday, February 27 at 8:00 a.m., which is open to the public.

Item 7.2: Council Comments: (Information Only – No Action)

Councilmember Nygard thanked StanCOG for their presentation [earlier this evening] and announced the Beyond Earth Day event that is offering a \$500 scholarship to the winner of a green project.

Vice Mayor Tucker stated she looked forward to the Strategic Planning Meeting.

Item 7.3: Mayor's Comments: (Information Only – No Action)

Mayor O'Brien stated that: 1) all public comments are acknowledged and will be addressed as requested and [he] is aware of the need to update City policies and the need to address the trucks parking along Highway 108 as a safety hazard; and 2) he looks forward to the Strategic Planning Meeting and invited everyone to the State of the City Address on March 7 at 6:00 p.m. at the Galaxy Theatres.

MAYOR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND RECESSED THE MEETING AT 7:40 P.M.

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government
Code § 54956.9: 1 potential case

Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Andria Allen and Frances Allen v. City of Riverbank
Stanislaus Court Case No. 670739

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Barham Construction, Inc. v. City of Riverbank
Court of Appeals of California, Fifth District
Case No. F058692 and Case No. F059499

MAYOR O'BRIEN RECONVENED THE MEETING AT 9:14 P.M.

9. REPORT FROM CLOSED SESSION

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

Item 9.2: Report from Closed Session Item 8.2: **CONFERENCE WITH LEGAL
COUNSEL – EXISTING LITIGATION**

Item 9.3: Report from Closed Session Item 8.3: **CONFERENCE WITH LEGAL
COUNSEL – EXISTING LITIGATION**

ACTION: *Mayor O'Brien announced that Legal Counsel was provided with
direction to Items 8.1, 8.2, and 8.3.*

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 9:15
p.m.

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B-3

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 11, 2013
Subject:	Approval of the February 27, 2013, Special City Council Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the Special City Council Meeting Minutes as presented.

SUMMARY

The draft minutes of the February 27, 2013, Special City Council meeting have been prepared for the City Council's review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT:

1. February 27, 2013, Special City Council Minutes



**CITY OF RIVERBANK
SPECIAL CITY COUNCIL MEETING
MINUTES
WEDNESDAY, FEBRUARY 27, 2013**



The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Administration Department at (209) 863-7122.

CALL TO ORDER:

The City Council of the City of Riverbank met this date in a special session at 8:30 a.m. in the Conference Room at the Riverbank Industrial Complex, 5300 Claus Road, Modesto, California with Mayor Richard D. O'Brien presiding.

ROLL CALL:

Present: Mayor Richard O'Brien; Vice Mayor Jeanine Tucker
*Councilmembers: Darlene Barber-Martinez and Dotty Nygard
(*one Councilmember vacancy)

CONFLICT OF INTEREST

Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one spoke.

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

Pursuant to Government Code 54954.3, 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.

No one spoke.

2. PRESENTATION

Item 2.1: Strategic Planning Session.

Ms. Marilyn Snider of Snider Associates was present to facilitate the session and Recorder Michelle Snider Luna of Snider Education and Communication was also present. Council, Staff, and public member present engaged in the discussion and development of the City's mission statement, a SWOT (Strengths. Weaknesses, Opportunities, and Threats) analysis, and a three-year goals strategic plan. (Record of points of discussion attached)

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 4:30 p.m.

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

CITY OF RIVERBANK
STRATEGIC PLANNING RETREAT

February 27, 2013 * Riverbank Industrial Complex Conference Room

Marilyn Snider, Facilitator—Snider and Associates (510) 531-2904
Michelle Snider Luna, Recorder—Snider Education and Communication (510) 735-7744

MISSION STATEMENT

*The City of Riverbank is committed to providing exceptional municipal services
in a fiscally sound and professionally responsible manner for our community.*

THREE-YEAR GOALS

(2013-2016 * Not in priority order)

Enhance public safety

Improve and maintain infrastructure and facilities

Enhance professionalism and customer service

Achieve and maintain financial stability and sustainability

Retain and attract businesses

CITY OF RIVERBANK ✪ SIX-MONTH STRATEGIC OBJECTIVES
February 27, 2013 – September 1, 2013

THREE-YEAR GOAL: *Enhance public safety*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. Beginning in April 2013 until August 1, 2013	Police Chief	Attend and make safety presentations at each of the City's 14 Neighborhood Watch programs.				
2. By June 1, 2013	Police Chief	Contact each school (all levels) in the City of Riverbank and review their safety plans and give feedback, as needed, to the schools.				
3. By August 1, 2013	City Manager and Police Chief	Update and distribute to all staff the City of Riverbank Emergency Response Plan.				
4. On August 6, 2013	Police Chief	Conduct a city-wide "National Night Out" event at the Crossroads Shopping Center to promote public safety and to increase Neighborhood Watch Programs.				
5. By September 1, 2013	City Manager	Identify key personnel and ensure training for emergency response (NIMS/ICS) is scheduled for them.				

THREE-YEAR GOAL: *Improve and maintain infrastructure and facilities*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By March 22, 2013	Development Services Director	Recommend to the City Manager and Finance Director for inclusion in the FY 2013-2014 budget a Water Master Plan Update, including cost estimates.				
2. By April 1, 2013	Parks and Recreation Director	Recommend to the City Council for action a list of priority needs, including history and costs associated with maintaining or replacing City facility roofs.				
3. By August 1, 2013	Development Services Director	Bring forth a draft "Complete Street Policy and Standards" to the City Council for their review and direction.				
4. By September 1, 2013	Parks and Recreation Director	Develop and present to the City Council for direction a conceptual design and cost for improvement and/or renovation of the Scout Hall Building, Community Center and pool locker rooms.				
FUTURE: By _____	Development Services Director	Recommend to the City Manager and Finance Director for inclusion in the FY 2014-2015 budget Sewer, Street and Park Master Plans updates, including cost estimates.				

THREE-YEAR GOAL: *Enhance professionalism and customer service*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. Monthly	City Manager	Ensure all staff receive professional development and customer service training, based in part on results from the Employee Survey.				
2. At the March 12, 2013 All Staff meeting	City Manager	Identify and share professional expectations of all City staff.				
3. By September 1, 2013	City Manager	Ensure that all Department Heads attend professional training provided by the California League of Cities and/or their professional organizations and provide feedback to the City Council.				
4. By September 1, 2013	City Manager, working with a consultant	Provide performance management training for the Management Team.				
FUTURE: By _____	City Manager	Identify Best Practices for Internal and External Customer Service and present to the City Council and Management Team.				

THREE-YEAR GOAL: *Achieve and maintain financial stability and sustainability*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 11, 2013 City Council meeting	Development Services Director	Present the EIR for the Downtown Specific Plan to the City Council for public comment and consideration.				
2. At the April 22, 2013 City Council meeting	Finance Director, with input from the Budget Advisory Committee	Present the budgeting process and fiscal practices to the City Council for their review.				
3. At the June 10, 2013 City Council meeting	City Manager	Present to the City Council for consideration Memorandums of Understanding for the two City Labor Bargaining Units for implementation in 2013-2014.				
4. By June 30, 2013	City Manager and Finance Director	Present to the City Council a structurally-balanced General Fund for their consideration.				

THREE-YEAR GOAL: *Retain and attract businesses*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the May 13, 2013 City Council meeting	Development Services Director, working with the Planning Commission	Recommend a mixed-use chapter of the zoning code for Riverbank and present to the City Council for their consideration.				
2. By July 15, 2013	City Manager (lead), Development Services Director, Finance Director and Mayor Richard O'Brien	Recommend at least one strategy the City can use to help the retention and expansion of businesses in Riverbank to the City Council for their consideration.				
3. At the July 16, 2013 Planning Commission meeting	LRA Director	Bring the former Riverbank Army Ammunition Plant Specific Plan and EIR to the Planning Commission for their consideration.				
4. By September 1, 2013	Development Services Director, working with the Management Team	Review and make recommendations to the City Council for direction regarding how to make the City of Riverbank more business friendly.				
5. By September 1, 2013	Development Services Director, working with the Planning Commission	Present the Downtown Specific Plan to the City Council for their consideration.				
6. By September 1, 2013	City Manager (lead), Development Services Director, Finance Director and Mayor Richard O'Brien	Develop a list of 10 key Riverbank businesses and schedule and meet with at least 8 of them to get to know them, their needs, and their suggestions for business retention and attraction.				

S.W.O.T. ANALYSIS

Strengths – Weaknesses - Opportunities - Threats

WHAT ARE THE STRENGTHS AND THE ACCOMPLISHMENTS OF THE CITY OF RIVERBANK IN THE PAST YEAR?

Brainstormed Perceptions:

- Training for the employees
- An unqualified audit
- New Council members
- Ability to maintain our standards through the economic challenges
- Settlement of the Tuolumne Quarry lawsuit
- Improved the sewer system
- Conducted an employee survey
- Good volunteer base
- Central Avenue—fixed the drainage
- Improved customer service
- CNG facility
- New Wastewater Treatment Plant office
- Coordinated two regional conferences
- National attention for local small businesses
- Opening of new businesses downtown
- Increased teen programming
- Crime rate drop in some areas
- Over \$200,000 in first time homebuyer loans
- New senior apartments
- We have a small town feel with big town amenities
- Innovative manufacturing
- Surrounding cities coming to Riverbank for amenities not available in their towns
- Nice parks, shopping and sculptures when you come into town
- Community job center
- Cheese and Wine Expo
- Strong management team—good rapport, and we respect each other
- Expanding our farmers' market
- Community gardens
- Beyond Earth Day
- Neighborhood improvement efforts
- Involvement with Riverbank's Get Fit health initiative, which was nationally recognized on Jamie Oliver's program
- We are going to fill our vacant City Council seat
- Our parks are beautiful
- Upgraded technology
- Senior programs (e.g., new Pickleball Program)
- Involvement in Meals on Wheels
- Neighborhood Watch programs

- Structurally balanced budget
- Grant awards--\$11 million
- Settlement of personnel lawsuit
- Community parades and events
- Sister Cities Committee (cities in Austria, China and Mexico)
- International site selectors visiting
- LED streetlights
- Economic Development Bank loan renegotiation
- Being awarded two Prop 84 planning grants—around \$600,000
- September 11th event acknowledging five veterans not previously acknowledged
- New City Manager
- Very proud of the employees themselves
- New Mayor
- Settlement of the Housing Authority Assessment
- Collaboration with the School District on the FFA Farm
- Expanded self-sufficient recreation programs
- New corporate yard
- Amenities at Jacob Myers Park
- New small businesses
- Got E-Contact live to relocated in Riverbank
- Reuse of abandoned businesses
- National Night Out Program
- Shop With a Cop Program
- We made progress toward becoming energy efficient
- New community services organizations came into Riverbank—Kiwanis and Lions
- Public perception is that we get things done

WHAT ARE THE CURRENT INTERNAL WEAKNESSES/CHALLENGES OF THE CITY OF RIVERBANK?

Brainstormed Perceptions:

- Departments tend to be self-protective versus being organizationally supportive
- Lack of communication
- Short staffed
- Procedures don't match staff
- Staff feels unappreciated
- Litigation
- Running too lean
- Website not user friendly
- Lack of businesses downtown
- Lack of economic development throughout the city
- Lack of safe pedestrian paths
- Graffiti
- Dark ages technology
- The roof on the museum
- Pool house and boiler at the swimming pool
- Spinning our wheels due to lack of funding

- Lack of bike paths
- Deferred maintenance on City facilities
- Budget—not controlling expenses
- City staff is full of generalists, not specialists
- Business license process takes too long
- Lack of discretion
- Perception of slow decision making
- Lack of staff accountability at the supervisor level
- Divisiveness
- Professional growth lacking
- Gangs
- Crime
- Lack of cooperation and support
- Staff is tired
- Lack of money
- Incomplete City Council
- Antiquated zoning codes
- Perception by the public that we don't know what we're doing
- Teamwork at not a high enough level
- Customer service not at a high enough level
- Reliance on the top 25 sales tax generators who provide 87% of funds

EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A POSITIVE IMPACT ON RIVERBANK IN THE NEXT 3 YEARS

Brainstormed Perceptions:

- Home values starting to rise again
- Local election
- Neighboring cities have internal problems
- Innovative manufacturing processes helping small business growth
- Increased collaboration (e.g., service clubs, school district and businesses)
- Regional transportation hub is located in Riverbank
- Grant opportunities
- Agricultural industry
- Location on the Stanislaus River
- Opportunities to improve our energy efficiency
- We are the hub of retail trade
- Our representatives are truly involved with the city
- Sales tax revenues are increasing slowly
- Valley Vision Stanislaus
- Community block grant opportunities
- Conveyance on the Riverbank Industrial Complex
- Improved economy
- We're a pass through location on the 108 corridor to the foothills and Yosemite
- Tremendous technological strides in infrastructure (e.g., water meters)
- Ecotourism, agrotourism

EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A NEGATIVE IMPACT ON RIVERBANK IN THE NEXT 3 YEARS

Brainstormed Perceptions:

- Loss of economic zones
- Railroads and freight that they move through Riverbank
- Threat of increasing litigation
- Personnel costs, like PERS
- Bargaining unit revolt
- High fuel costs
- Lack of educated/skilled workforce
- Sequestration
- Computer system crash
- Continued unfunded State mandates
- Fires along the riverbank
- Increased taxes
- Results of Redevelopment Agency (RDA) elimination
- Potential breakage of water pump under the city
- Something happening negatively to our top 25 businesses/tax generators that supply 87% of the tax base
- Loss of key staff
- Banks not releasing home inventory
- Unrealistic expectations of the public of what the City government can do for them
- Increase in utility costs
- State and Federal agencies looking for opportunities to fine us after sequestration
- Lawyers
- Only one health clinic in town
- Pandemic flu
- Threats from surrounding cities regarding volunteers and businesses
- Regional fees applied to new businesses
- CEQA
- Prison realignments
- Natural disasters
- State government
- Funding cuts to the School District (e.g., before and after school programs)
- Costs associated with increasing litigation
- Health care costs
- Over-withdrawal of our groundwater
- Fragile national economic recovery
- Lack of trust in government
- Climate change
- Hacking
- Computer viruses
- State budget cuts
- Only one pathway to the sewer plant
- New statutes and regulations from the new legislature
- Losing funding for police and fire

- Business catastrophes
- Unforeseen accidents
- We live in an earthquake zone
- Terrorism
- Gangs
- Drugs

BRAINSTORMED GOALS

- Enhance public safety
- Strengthen business networks
- Implement user-friendly website
- Improve communications within City departments
- Enhance our internal technology
- Increase revenues
- Develop and implement a Succession Plan
- Address aging facilities and infrastructure
- Increase community cohesiveness
- Create an attractive built environment
- Diversify our economic base
- Improve infrastructure system reliability
- Increase the use of technology
- Promote respect and appreciation
- Increase organizational effectiveness
- Provide a work environment that promotes professionalism
- Attract and retain businesses
- Ensure fiscal stability
- Provide quality customer service to internal and external customers
- Increase marketing and publicity
- Improve community responsiveness
- Increase and develop pedestrian access ways
- Prepare for economic turnaround
- Enhance health programs and opportunities
- Embrace creative opportunities

NEXT STEPS/FOLLOW-UP PROCESS

WHEN	WHO	WHAT
February 28, 2013	City Manager	Distribute the Strategic Planning Retreat record to meeting attendees.
Within 48 hours of receipt	All	Read the retreat record.
March 11, 2013	City Council	Share the Strategic Plan with the public.
March 12, 2013 All Staff meeting	Management Team	Share and discuss the Strategic Plan with staff.
March 19, 2013	Management Team	Review the "Internal Weaknesses/Challenges" list for possible action items.
April 9, 2013 8:30-4:00	City Council & City Manager	City Manager Evaluation & City Council/City Manager Team Building Session.
Monthly	City Council & City Manager	Monitor progress on the goals and objectives and revise objectives (add, amend and/or delete), as needed.
Monthly	City Manager	Prepare and distribute the written and updated Strategic Objectives Monitoring Matrix to the City Council and staff.
September 9, 2013 8:30-4:00	City Council, City Manager & Management Team	Strategic Planning Retreat for a more thorough assessment of progress on the goals and objectives. Develop core values for the City and identify objectives for the next six months.

STRATEGIC PLANNING ELEMENTS

“SWOT” ANALYSIS

Assess the organization's:

- Internal Strengths - Internal Weaknesses
- External Opportunities - External Threats

MISSION/PURPOSE STATEMENT

States WHY the organization exists and WHOM it serves

VISION STATEMENT

A vivid, descriptive image of the future—what the organization will BECOME

CORE VALUES

What the organization values, recognizes and rewards—strongly held beliefs that are freely chosen, publicly affirmed, and acted upon with consistency and repetition

THREE YEAR GOALS

WHAT the organization needs to accomplish (consistent with the Mission and moving the organization towards its Vision) – usually limited to 4 or 5 key areas

THREE YEAR KEY PERFORMANCE MEASURES

WHAT success will look like when the goal is achieved

SIX MONTH STRATEGIC OBJECTIVES

HOW the Goals will be addressed: By when, who is accountable to do what for each of the Goals

FOLLOW-UP PROCESS

Regular, timely monitoring of progress on the goals and objectives; includes setting new objectives every six months

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B-4

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Notice to Move Approval of the Minutes for the March 11, 2013, Special City Council Meeting and Regular City Council Meeting to the April 8, Regular City Council Meeting
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council receive notice that the draft minutes for the subject stated meetings indicated will be provided as part of the April 8, 2013, regular City Council meeting agenda for approval.

SUMMARY

Due to the volume of meeting minutes to prepare and other pressing work assignments, the draft minutes for the March 11, 2013, Special City Council Meeting and Regular City Council Meeting, will be provided to the City Council as part of the April 8, 2013, regular City Council meeting agenda for review and approval.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENT

There are no attachments.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject/ Title:	Warrant Registers for 03/07/2013 and 03/14/2013.
From:	Jill Anderson, City Manager
Submitted by:	Marisela Hernandez, Director of Finance/City Treasurer

RECOMMENDATION:

It is recommended that the City Council review as an informational item the warrant registers for 03/07/2013 and 03/14/2013.

SUMMARY:

The warrant register presented to the City Council is a listing of all expenditures paid. Major expenditures presented on the warrant registers include the following:

03/07/2013 Warrant

Check No.	Vendor	Funding Source	Amount
39274	DL White Law Group: Legal Services for Various City Matters	General Fund	\$21,627.42
39278	Gordon B. Ford: Property Tax Payment on behalf of the Designated Local Authority.	DLA Revenues	\$394.82
39283	MID: Oakdale & Morrill Signal Project – Pole Relocation & Undergrounding Utilities	System Development Fees	\$144,000.00

03/14/2013 Warrant

Check No.	Vendor	Funding Source	Amount
39327	City of Riverbank #2: Transfer of Donations to the Beyond Earth Day Account	Donations	\$1,000.00
39329	Costanzo & Associates: Legal Expenses for Skate Park Litigation	Risk Management	\$5,173.21

39345	MuniServices: Sales & Use Tax Auditing Services	General Fund	\$2,689.96
39355	Stanislaus Co. Sheriff's Department: Motorcycle Lease Payoff	Asset Seizure Fund	\$7,774.38
	Norma Torres-Manriquez: State of The City Expense Reimbursement		
39359	Please Note: Reimbursement includes purchase from O'Brien's Market for \$170.82.	General Fund	\$388.31
39364	Vaughn Property Preservation: Alley Cleanup	Spring Clean	\$1,200.00

FINANCIAL IMPACT:

Reductions in various funds for payment of expenses.

ATTACHMENTS: (List attachments in order of placement)

1. Warrant Registers: 03/07/2013 & 03/14/2013

VENDOR APPROVAL SUMMARY REPORT

Date: 3/7/2013
12:00:18PM

Page: 1

<u>CHECK #</u>	<u>GL NUMBER</u>	<u>VENDOR #</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	Time:	<u>AMOUNT</u>
39175	118-441.000-706.029	105151	UNITED APPLIANCE REPAIR	STOVE REPAIR		254.88
						254.88
39261	101-412.000-709.001	101054	ADVANCED INFO SYSTEM	MAILING OF UTILITY BILLS		1,911.94
39261	101-401.000-702.032	101054	ADVANCED INFO SYSTEM	MAILING OF UTILITY BILLS		756.94
39261	101-403.000-702.032	101054	ADVANCED INFO SYSTEM	MAILING OF UTILITY BILLS		1,358.56
						4,027.44
39262	114-433.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		65.15
39262	106-423.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		65.15
39262	101-406.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		22.10
39262	114-433.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		22.10
39262	101-406.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		22.10
39262	101-414.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		22.11
39262	106-423.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		22.11
39262	106-424.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		30.91
39262	117-411.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		30.91
39262	119-442.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		30.91
39262	101-406.000-704.022	01897	AT & T MOBILITY	COMMUNICATIONS		30.92
						364.47
39263	101-407.000-704.022	39025	AT&T	COMMUNICATIONS		469.76
						469.76
39264	101-412.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		16.09
39264	134-459.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		15.97
39264	101-406.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		18.51
39264	119-442.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		10.62
39264	101-407.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		14.70
						75.89
39265	118-441.000-706.079	104770	BURNS/DAVID//	LAUNDRY & CELL PHONE ST		70.00
						70.00
39266	101-000.000-200.187	36200	CITY OF OAKDALE	ANIMAL CONTROL CITATIO		63.00
						63.00

VENDOR APPROVAL SUMMARY REPORT

Date: 3/7/2013
12:00:18PM

Page: 2

<u>CHECK #</u>	<u>GL NUMBER</u>	<u>VENDOR #</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	Time:	<u>AMOUNT</u>
39267	101-407.000-704.021	45074	CITY OF RIVERBANK	UTILITIES		194.11
39267	220-590.000-704.021	45074	CITY OF RIVERBANK	UTILITIES		372.08
39267	118-441.000-704.021	45074	CITY OF RIVERBANK	UTILITIES		45.22
39267	101-413.000-704.021	45074	CITY OF RIVERBANK	UTILITIES		45.56
39267	101-414.000-704.021	45074	CITY OF RIVERBANK	UTILITIES		716.11
39267	175-590.000-704.021	45074	CITY OF RIVERBANK	UTILITIES		80.99
						1,454.07
39268	197-439.000-704.021	11091	CITY OF RIVERBANK #2	WASTEWATER BILLING - LR		1,280.03
						1,280.03
39269	102-418.000-703.028	37515	COMENITY - OSH COMMERCIAL	SMALL TOOLS		699.04
39269	106-424.000-706.028	37515	COMENITY - OSH COMMERCIAL	SMALL TOOLS		93.60
						792.64
39270	114-433.000-706.073	99572	CONLIN SUPPLY CO.	UNIFORMS		158.87
						158.87
39271	101-401.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		281.19
39271	101-402.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		26.79
39271	101-403.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		194.48
39271	101-405.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		50.62
39271	101-406.000-703.025	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		37.38
39271	101-408.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		107.26
39271	101-409.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		0.33
39271	101-412.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		13.07
39271	134-459.000-702.031	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		0.14
39271	197-439.000-702.053	95220	DE LAGE LANDEN FINANCIAL	COPIER LEASE		0.08
						711.34
39272	101-414.000-706.029	02002	DENAIR LUMBER COMPANY,	BUILDING MAINTENANCE		41.06
						41.06
39273	118-441.000-703.030	105098	DJURISIC/ZORAN//	FENCING INSTRUCTOR		189.00
						189.00
39274	101-404.000-702.033	104609	DL WHITE LAW GROUP	LEGAL SERVICES		4,141.58

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39274	101-404.000-702.033	104609	DL WHITE LAW GROUP	LEGAL SERVICES		17,485.84
						21,627.42
39275	118-441.000-706.079	105067	DORRETT/NEWTON//	LAUNDRY & CELL PHONE ST		70.00
						70.00
39276	101-000.000-200.160	17801	GILTON SOLID WASTE MGMT	REFUSE SERVICE		45,487.81
39276	102-418.000-702.036	17801	GILTON SOLID WASTE MGMT	STREET SWEEPING		7,043.71
39276	197-439.000-704.021	17801	GILTON SOLID WASTE MGMT	BIN SERVICE - LRA		93.02
						52,624.54
39277	101-405.000-703.025	95266	GOLDEN VALLEY AWARDS	NAME PLATE		21.08
						21.08
39278	224-439.000-702.053	102788	GORDON B. FORD	DLA PROPERTY TAXES		394.82
						394.82
39279	179-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		50.00
39279	175-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		2,650.00
39279	173-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		1,075.00
39279	177-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		200.00
39279	178-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		50.00
39279	101-413.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		625.00
39279	220-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		11,083.00
39279	172-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		425.00
39279	171-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		300.00
39279	101-414.000-702.032	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		5,675.00
						22,133.00
39280	118-441.000-706.035	104013	HUB INTERNATIONAL INSUR	RENTAL INSURANCE		272.60
						272.60
39281	119-442.000-705.040	102580	LES SCHWAB TIRES	VEHICLE MAINTENANCE		91.00
						91.00
39282	114-433.000-704.021	32627	MID	UTILITIES		2,208.69
39282	220-590.000-704.021	32627	MID	UTILITIES		29.20
39282	101-412.000-704.021	32627	MID	UTILITIES		325.02

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39282	101-407.000-704.021	32627	MID	UTILITIES		332.90
39282	102-418.000-704.021	32627	MID	UTILITIES		38.37
39282	119-442.000-704.021	32627	MID	UTILITIES		2,655.44
39282	171-590.000-704.021	32627	MID	UTILITIES		15.88
39282	173-590.000-704.021	32627	MID	UTILITIES		169.90
39282	220-590.000-704.021	32627	MID	UTILITIES		3,403.16
39282	223-590.000-704.021	32627	MID	UTILITIES		24.28
39282	101-412.000-704.021	32627	MID	UTILITIES		0.63
39282	101-407.000-704.021	32627	MID	UTILITIES		0.63
39282	102-418.000-704.021	32627	MID	UTILITIES		0.63
39282	119-442.000-704.021	32627	MID	UTILITIES		0.63
39282	171-590.000-704.021	32627	MID	UTILITIES		0.63
39282	173-590.000-704.021	32627	MID	UTILITIES		0.63
39282	220-590.000-704.021	32627	MID	UTILITIES		0.63
39282	223-590.000-704.021	32627	MID	UTILITIES		0.59
						9,207.84
39283	140-463.000-707.101	32627-1	MID	SIGNAL PROJECT		95,450.00
39283	222-405.000-707.101	32627-1	MID	SIGNAL PROJECT		48,550.00
						144,000.00
39284	101-407.000-706.073	104633	MISSION UNIFORM SERVICE	CLEANING SERVICE		100.00
						100.00
39285	118-000.000-675.220	105149	MODESTO LIONS CLUB	REFUND		150.00
39285	118-000.000-200.150	105149	MODESTO LIONS CLUB	DEPOSIT REFUND		700.00
						850.00
39286	101-402.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		182.40
39286	101-403.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		912.00
39286	101-405.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		364.80
39286	101-407.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		182.40
39286	101-408.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		729.60
39286	101-412.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		912.00
39286	101-413.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		182.40

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39286	101-414.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		729.60
39286	102-418.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		547.20
39286	106-423.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		364.80
39286	106-424.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		547.20
39286	114-433.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		912.00
39286	117-411.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		182.40
39286	119-442.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		182.40
39286	134-459.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		364.80
39286	198-439.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		547.20
39286	213-438.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		182.40
39286	101-406.000-708.009	95260	NATIONAL INDUSTRIAL	PENSION CONTRIBUTION		364.80
						8,390.40
39287	101-409.000-703.025	105150	NATIONAL NEIGHBORHOOD	NEIGHBORHOOD WATCH PR		792.41
						792.41
39288	101-403.000-706.023	99971	OAKDALE LEADER	ADVERTISEMENT		127.50
39288	101-405.000-706.023	99971	OAKDALE LEADER	ADVERTISEMENT		357.00
39288	101-405.000-706.023	99971	OAKDALE LEADER	ADVERTISEMENT		51.00
39288	151-477.000-707.109	99971	OAKDALE LEADER	ADVERTISEMENT		216.75
39288	151-477.000-707.110	99971	OAKDALE LEADER	ADVERTISEMENT		216.75
39288	101-408.000-706.066	99971	OAKDALE LEADER	ADVERTISEMENT		127.50
39288	153-479.000-702.032	99971	OAKDALE LEADER	ADVERTISEMENT		318.75
39288	134-459.000-706.023	99971	OAKDALE LEADER	ADVERTISEMENT		293.26
39288	101-405.000-706.023	99971	OAKDALE LEADER	ADVERTISEMENT		331.50
						2,040.01
39289	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		4.41
39289	101-407.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		5.99
39289	118-441.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		11.72
39289	101-409.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		312.96
39289	119-442.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		152.44
						487.52
39290	101-408.000-703.025	45073	PETTY CASH	FINANCE		21.00

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39290	101-401.000-706.037	45073	PETTY CASH	FINANCE		14.52
39290	101-408.000-702.032	45073	PETTY CASH	FINANCE		10.00
						45.52
39291	101-414.000-706.029	48850	RESOURCE BUILDING MATER	BUILDING MAINTENANCE		152.55
39291	101-414.000-706.029	48850	RESOURCE BUILDING MATER	BUILDING MAINTENANCE		38.75
39291	101-414.000-706.029	48850	RESOURCE BUILDING MATER	BUILDING MAINTENANCE		146.09
						337.39
39292	102-418.000-703.028	46820	SAFE T LITE	SMALL TOOLS		69.30
39292	102-418.000-703.028	46820	SAFE T LITE	SMALL TOOLS		51.85
39292	102-418.000-703.062	46820	SAFE T LITE	STREET MAINTENANCE		139.48
39292	102-418.000-703.062	46820	SAFE T LITE	STREET MAINTENANCE		340.96
39292	102-418.000-703.062	46820	SAFE T LITE	STREET MAINTENANCE		631.05
39292	102-418.000-703.062	46820	SAFE T LITE	STREET MAINTENANCE		33.20
39292	102-418.000-703.062	46820	SAFE T LITE	STREET MAINTENANCE		291.41
						1,557.25
39293	197-439.000-706.029	104535	SAN JOAQUIN ENGINEERING	MONTHLY MANAGEMENT F		2,173.39
39293	197-439.000-702.063	104535	SAN JOAQUIN ENGINEERING	MONTHLY MANAGEMENT F		38,220.68
						40,394.07
39294	101-409.000-702.034	102745	STANISLAUS CO. SHERIFF'S D	VEHICLE MILEAGE - JAN 20		12,533.21
						12,533.21
39295	201-000.000-200.082	1000039	STANISLAUS FOUNDATION	ADMINISTRATIVE FEE		345.10
39295	201-000.000-200.082	1000039	STANISLAUS FOUNDATION	DENTAL LIABILITY		294.40
						639.50
39296	102-418.000-706.029	95028	SUNRISE ENVIRONMENTAL	BUILDING MAINTENANCE		182.11
						182.11
39297	101-405.000-706.023	101087	THE MODESTO BEE	ADVERTISEMENT		379.16
						379.16
39298	101-408.000-706.036	102523	THE MODESTO BEE	ANNUAL SUBSCRIPTION		112.60
						112.60
39299	106-424.000-702.030	100120	TILBURY AUTO PARTS	EQUIPMENT MAINTENANCE		113.48

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39299	106-424.000-702.030	100120	TILBURY AUTO PARTS	EQUIPMENT MAINTENANCE		70.37
						183.85
39300	118-000.000-200.150	100309	TORRES/CARLOS//	DEPOSIT REFUND		125.00
						125.00
39301	101-414.000-706.029	51151	TROMBETTA ELECTRICAL	BUILDING MAINTENANCE		16.94
						16.94
39302	226-439.000-706.075	10151	U.S. BANK	DLA SERIES A ADMIN FEE		2,100.00
39302	226-439.000-706.075	10151	U.S. BANK	DLA SERIES B ADMIN FEE		2,100.00
39302	107-426.000-706.071	10151	U.S. BANK	REVENUE BONDS		1,725.00
						5,925.00
39303	101-401.000-703.025	104437	WESTERN GRAPHIX	PRINTING SERVICE		107.63
						107.63
39304	220-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		577.24
39304	177-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		236.01
39304	178-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		186.65
39304	175-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		281.25
39304	179-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		224.19
39304	171-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		181.29
39304	172-590.000-702.032	33010	WILLDAN FINANCIAL SERVI	LANDSCAPE & LIGHTING		173.43
						1,860.06
39305	106-424.000-706.028	99577	WILLE ELECTRIC SUPPLY CO	BUILDING MAINTENANCE		-100.77
39305	102-418.000-703.028	99577	WILLE ELECTRIC SUPPLY CO	SMALL TOOLS		201.27
39305	102-418.000-703.028	99577	WILLE ELECTRIC SUPPLY CO	SMALL TOOLS		359.73
						460.23
39306	119-442.000-702.038	99962	WILSON TECHNOLOGIES	TELEPHONE MAINTENANCE		660.00
						660.00
39307	101-406.000-706.038	101086	YOSEMITE CHAPTER ICC	EDUCATION & TRAINING		50.00
39307	101-406.000-706.038	101086	YOSEMITE CHAPTER ICC	EDUCATION & TRAINING		50.00
						100.00
39308	101-408.000-706.042	99195	ZEE MEDICAL SERVICE CO.	SAFETY SUPPLIES		50.48

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						50.48
CHECK RUN TOTAL						338,725.09

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39309	119-442.000-705.040	100500	5 POINTS SMOG & TUNE-UP N	VEHICLE MAINTENANCE		31.75
39309	119-442.000-705.040	100500	5 POINTS SMOG & TUNE-UP N	VEHICLE MAINTENANCE		31.75
39309	119-442.000-705.040	100500	5 POINTS SMOG & TUNE-UP N	VEHICLE MAINTENANCE		31.75
39309	119-442.000-705.040	100500	5 POINTS SMOG & TUNE-UP N	VEHICLE MAINTENANCE		31.75
						127.00
39310	118-441.000-706.029	103129	ACTION PLUMBING, LLC	BUILDING MAINTENANCE		164.00
						164.00
39311	198-439.502-702.053	95084	ADTECH	COMPUTER MAINTENANCE		250.00
39311	101-408.000-702.032	95084	ADTECH	COMPUTER MAINTENANCE		707.57
39311	101-408.000-702.032	95084	ADTECH	COMPUTER MAINTENANCE		322.45
39311	101-408.000-702.032	95084	ADTECH	MONTHLY SERVICE		2,600.00
39311	101-402.000-703.025	95084	ADTECH	COMPUTER MAINTENANCE		10.74
39311	101-408.000-707.017	95084	ADTECH	COMPUTER MAINTENANCE		4,111.04
						8,001.80
39312	101-401.000-703.025	103135	AGUILAR/ANNABELLE//	REIMBURSEMENT		8.53
39312	101-401.000-706.037	103135	AGUILAR/ANNABELLE//	REIMBURSEMENT		74.25
39312	101-408.000-703.025	103135	AGUILAR/ANNABELLE//	REIMBURSEMENT		53.78
						136.56
39313	114-000.000-200.171	105156	ALCALA/ALMA GISELLE//	DEPOSIT REFUND		26.12
						26.12
39314	119-442.000-705.040	104856	ALLCAL EQUIPMENT SERVI	VEHICLE MAINTENANCE		1,050.00
						1,050.00
39315	101-401.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		36.92
39315	101-402.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		3.37
39315	101-403.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		40.78
39315	101-405.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		7.66
39315	101-406.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		7.84
39315	101-408.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		13.52
39315	101-409.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		0.07
39315	101-412.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		1.72
39315	134-459.000-702.031	01115	ALPHA NUMERIC	COPY COUNT		0.03

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39315	197-439.000-702.053	01115	ALPHA NUMERIC	COPY COUNT		0.02
						111.93
39316	114-000.000-200.171	102529	ALVARADO/ANA//	DEPOSIT REFUND		60.00
39316	114-000.000-200.170	102529	ALVARADO/ANA//	OVERPAYMENT REFUND		2.61
						62.61
39317	101-407.000-702.032	103079	BAY ALARM COMPANY	ALARM SERVICES		900.35
						900.35
39318	106-424.000-702.030	11123	BILLS SAFE & LOCK	EQUIPMENT MAINTENANCE		116.84
						116.84
39319	101-411.000-702.034	01093	BJ'S CONSUMER'S CHOICE	PEST CONTROL SERVICES		31.00
39319	106-424.000-706.029	01093	BJ'S CONSUMER'S CHOICE	PEST CONTROL SERVICES		47.00
39319	101-407.000-702.032	01093	BJ'S CONSUMER'S CHOICE	PEST CONTROL SERVICES		279.00
						357.00
39320	119-442.000-705.040	105157	BOGDANICH/TOM//	COMPUTER RESET		225.00
						225.00
39321	114-000.000-200.170	105155	BROWN/DAVID//	OVERPAYMENT REFUND		53.34
						53.34
39322	101-414.000-706.029	01103	BSN SPORTS	BUILDING MAINTENANCE		130.85
						130.85
39323	101-414.000-706.029	100877	CENTRAL SANITARY SUPPL	JANITORIAL SUPPLIES		96.86
39323	101-414.000-706.029	100877	CENTRAL SANITARY SUPPL	JANITORIAL SUPPLIES		96.86
						193.72
39324	101-408.000-702.034	102990	CHARTER COMMUNICATION	COMMUNICATIONS - NORTH		20.14
						20.14
39325	114-433.000-706.038	59300	CHEVRON AND TEXACO	VEHICLE FUEL		49.33
						49.33
39326	101-414.000-706.029	05952	CHOICE LIGHTING SUPPLY	BUILDING MAINTENANCE		36.54
						36.54
39327	191-000.000-010.010	11091	CITY OF RIVERBANK #2	TRANSFER FUND-BEYOND E		1,000.00

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						1,000.00
39328	114-000.000-200.171	102653	CORDINGLY/HUA//	DEPOSIT REFUND		42.22
						42.22
39329	138-461.000-706.034	1000082	COSTANZO & ASSOCIATES	LEGAL SERVICES		5,173.21
						5,173.21
39330	114-000.000-200.171	105154	CURRIE/PAUL WILLIAM//	DEPOSIT REFUND		3.27
						3.27
39331	101-408.000-706.014	22045	DEPARTMENT OF JUSTICE	FINGERPRINT APPS		64.00
						64.00
39332	118-441.000-706.026	99819	DISCOUNT SCHOOL SUPPLY	RECREATIONAL SUPPLIES		263.07
						263.07
39333	119-442.000-705.040	103284	FASTENAL COMPANY	VEHICLE MAINTENANCE		36.10
39333	102-418.000-703.028	103284	FASTENAL COMPANY	SMALL TOOLS		88.09
						124.19
39334	106-424.000-702.030	104676	GHX INDUSTRIAL, LLC	EQUIPMENT MAINTENANCE		675.87
						675.87
39335	118-441.000-702.032	17801	GILTON SOLID WASTE MGMT	BIN SERVICE		12.50
						12.50
39336	151-477.000-707.110	10028	GIULIANI & KULL, INC.	CLAUS ROAD OVERLAY		875.00
39336	101-457.000-702.032	10028	GIULIANI & KULL, INC.	TERMINAL AVE. OVERLAY		875.00
39336	151-477.000-707.101	10028	GIULIANI & KULL, INC.	OAKDALE & MORRILL ROAD		2,927.50
						4,677.50
39337	101-401.000-706.037	95266	GOLDEN VALLEY AWARDS	NAME BADGES & PLATE		60.82
						60.82
39338	101-407.000-706.029	100164	GRAINGER	BUILDING MAINTENANCE		41.43
39338	106-424.000-706.029	100164	GRAINGER	BUILDING MAINTENANCE		97.55
39338	106-424.000-702.030	100164	GRAINGER	EQUIPMENT MAINTENANCE		70.50
						209.48
39339	220-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		238.87

VENDOR APPROVAL SUMMARY REPORT

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<u>CHECK #</u>	<u>GL NUMBER</u>	<u>VENDOR #</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	Time:	<u>AMOUNT</u>
						238.87
39340	102-418.000-703.062	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		41.69
39340	102-418.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		18.04
39340	106-424.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		133.29
39340	101-413.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		3.13
39340	101-413.000-702.030	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		147.06
39340	102-418.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		7.80
39340	102-418.000-703.062	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		36.86
39340	101-413.000-703.055	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		32.50
						420.37
39341	101-403.000-702.031	104377	MAILFINANCE	POSTAGE LEASE - 01/10-04		110.40
39341	106-423.000-702.031	104377	MAILFINANCE	POSTAGE LEASE - 01/10-04		110.40
39341	114-433.000-702.031	104377	MAILFINANCE	POSTAGE LEASE - 01/10-04		110.41
						331.21
39342	114-000.000-200.170	103937	MATEL PROPERTIES	OVERPAYMENT REFUND		52.12
						52.12
39343	106-424.000-704.021	32627	MID	UTILITIES		26,821.45
39343	220-590.000-704.021	32627	MID	UTILITIES		177.98
						26,999.43
39344	114-433.000-702.031	32615	MO - CAL	COPY COUNT - PW		145.33
39344	106-424.000-702.031	32615	MO - CAL	COPY COUNT - PW		145.33
39344	101-412.000-702.031	32615	MO - CAL	COPY COUNT - PW		145.32
						435.98
39345	101-403.000-702.032	103000	MUNISERVICES, LLC	SALES & USE TAX		2,689.96
						2,689.96
39346	101-414.000-706.038	33900	NORMAC	EDUCATION & TRAINING		40.00
						40.00
39347	119-442.000-705.040	104477	O'REILLY AUTOMOTIVE, INC	VEHICLE MAINTENANCE		634.69
39347	106-423.000-703.049	104477	O'REILLY AUTOMOTIVE, INC	VEHICLE MAINTENANCE		43.03
39347	119-442.000-706.028	104477	O'REILLY AUTOMOTIVE, INC	VEHICLE MAINTENANCE		20.43

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<u>CHECK #</u>	<u>GL NUMBER</u>	<u>VENDOR #</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	Time:	<u>AMOUNT</u>
39347	119-442.000-705.041	104477	O'REILLY AUTOMOTIVE, INC	VEHICLE MAINTENANCE		101.38
						799.53
39348	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		2,039.58
39348	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		2,294.30
						4,333.88
39349	101-403.000-703.025	102955	PACIFIC STORAGE COMPAN	SHREDDING & STORAGE FEE		29.30
39349	101-405.000-703.025	102955	PACIFIC STORAGE COMPAN	SHREDDING & STORAGE FEE		29.31
39349	101-408.000-703.025	102955	PACIFIC STORAGE COMPAN	SHREDDING & STORAGE FEE		29.31
39349	101-412.000-703.025	102955	PACIFIC STORAGE COMPAN	SHREDDING & STORAGE FEE		53.46
						141.38
39350	114-000.000-200.171	105153	PEREZ DE GARZA/CORAL//	DEPOSIT REFUND		58.54
						58.54
39351	114-000.000-200.171	105152	PEREZ/RICHARD//	DEPOSIT REFUND		57.29
						57.29
39352	101-414.000-706.029	95005	R & T POWER EQUIPMENT	BUILDING MAINTENANCE		10.19
						10.19
39353	106-424.000-702.030	99590	RAIN FOR RENT	EQUIPMENT MAINTENANCE		152.36
39353	106-424.000-702.030	99590	RAIN FOR RENT	EQUIPMENT MAINTENANCE		931.51
						1,083.87
39354	101-000.000-200.186	99298	STANISLAUS CO. PUBLIC WO	RECONCILIATION OF TICKET		184.50
						184.50
39355	126-449.005-702.032	102745	STANISLAUS CO. SHERIFF'S D	MOTORCYCLE PAYOFF		7,774.38
						7,774.38
39356	201-000.000-200.082	1000039	STANISLAUS FOUNDATION	DENTAL LIABILITY		1,511.93
						1,511.93
39357	101-402.000-702.040	104829	STRONG/CARLA//	REIMBURSEMENT		90.61
						90.61
39358	134-459.000-706.065	100146	THE MODESTO BEE	ADVERTISEMENT		1,770.09
39358	101-408.000-706.066	100146	THE MODESTO BEE	ADVERTISEMENT		147.32

VENDOR APPROVAL SUMMARY REPORT

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<u>CHECK #</u>	<u>GL NUMBER</u>	<u>VENDOR #</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	Time:	<u>AMOUNT</u>
						<u>1,917.41</u>
39359	101-401.000-706.033	100557	TORRES-MANRIQUEZ/NORM	REIMBURSEMENT		388.31
						<u>388.31</u>
39360	118-441.000-703.030	103393	TORRES/DAISY E.//	BALLET FOLKLORICO		616.00
						<u>616.00</u>
39361	102-418.000-706.029	103435	TRACTOR SUPPLY CREDIT P	BUILDING MAINTENANCE		102.71
						<u>102.71</u>
39362	118-441.000-706.029	105151	UNITED APPLIANCE REPAIR	SERVICE CALL		75.00
						<u>75.00</u>
39363	106-424.000-703.049	99833	USA BLUE BOOK	CHEMICALS		130.89
						<u>130.89</u>
39364	117-411.000-706.077	104749	VAUGHN PROPERTY PRESE	ALLEY CLEAN UP PROJECT		1,000.00
39364	117-411.000-706.025	104749	VAUGHN PROPERTY PRESE	ALLEY CLEAN UP PROJECT		200.00
						<u>1,200.00</u>
39365	106-424.000-702.030	10167	WESTURF NURSERY	CHEMICALS		11.98
39365	106-424.000-703.049	10167	WESTURF NURSERY	CHEMICALS		105.97
39365	106-424.000-706.029	10167	WESTURF NURSERY	CHEMICALS		33.48
						<u>151.43</u>
39366	101-403.000-706.035	50017	WINTON,IRELAND,STROM & G	BOND - MARISELA HERNANDE		625.00
						<u>625.00</u>
				CHECK RUN TOTAL		<u>76,530.05</u>

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject/ Title:	Award Bid for the Claus Road Pavement Overlay Project and Authorize Execution of Future Change Orders
From:	Jill Anderson, City Manager
Submitted by:	JD Hightower, Development Services Director Laura Graybill, Project Coordinator

RECOMMENDATION

It is recommended that City Council Award the lowest responsible bidder, Knife River Construction to contract to construct the Claus Road Pavement Overlay Project and authorize the City Manager to execute change orders within total project budget.

SUMMARY

The Claus Road Pavement Overlay Project consists of an asphalt overlay on 0.5 miles of Claus Road from California Avenue to Townsend Avenue. The purpose of the project is to repair areas of failing or damaged pavement to extend its service life and to prevent further deterioration of the roadway. This road was identified in a pavement management assessment by the Public Works Streets Supervisor, and identified through the California Department of Transportation as an eligible Regional Surface Transportation Program (RSTP).

A bid opening was held on Thursday, March 7, 2013, to consider the bids for the Claus Road Pavement Overlay Project. The following bids were received:

Knife River Construction	\$185,233.13
George Reed	\$185,910.00
Rolfe Construction	\$228,358.10

Work on the project includes, but is not limited to, furnishing all labor, materials, equipment, transportation, and incidentals necessary for asphalt concrete overlay, striping, utility structures being raised to grade and all other facilities shown on the plans.

Bids have been reviewed and Knife River Construction has been identified as the lowest responsible bidder for the project.

BACKGROUND

The Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Surface Transportation Program (STP) Funds that are identified in Section 133 of Title 23 of the United States Code. This program provided flexible funding that may be used by local agencies for projects to preserve and improve the transportation system consistent with regional priorities.

The funds may be utilized for construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements on any Federal-aid highway including the National Highway System (NHS), bridge projects on any public road, transit capital projects, and intercity bus terminals and facilities.

The Stanislaus Council of Governments (StanCOG) is responsible for the distribution of RSTP funds. Each agency within StanCOG's jurisdiction receives a fixed funding allocation for the local agency use. StanCOG works with the local agencies to identify and program projects that adhere to the funding allocation for the agency and meet the RSTP project eligibility guidelines.

In the Stanislaus region, RSTP is utilized primarily for roadway rehabilitation.

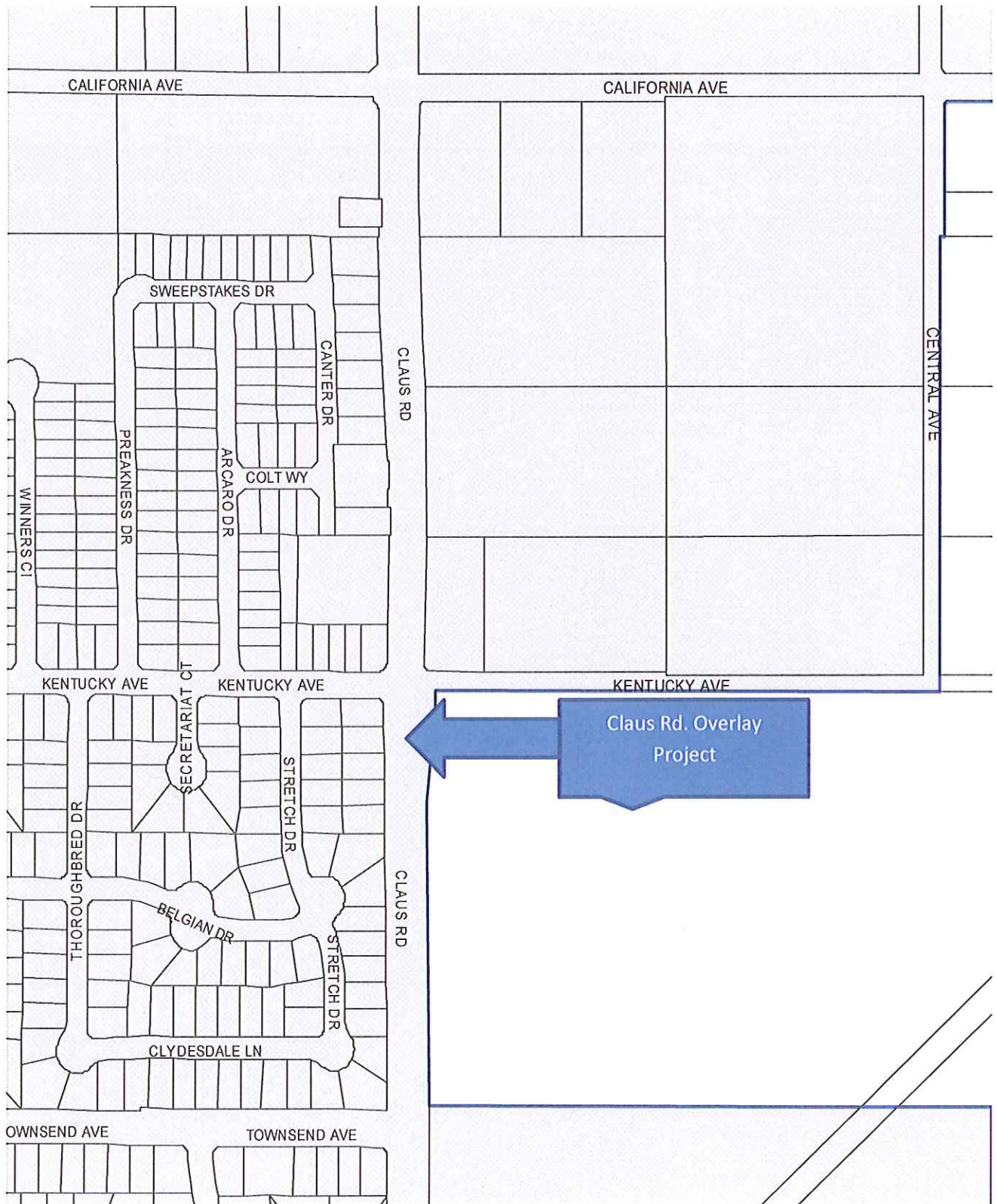
FINANCIAL IMPACT

The project is programmed in the Federal Transportation Improvement Plan (FTIP) under the Regional Surface Transportation Program (RSTP) for \$187,919, which includes construction and construction engineering. The additional construction cost of the project, due to the higher bid amount, along with the replacement of hydrant markers and raising structures to grade will come from Local Transportation Funds (LTF) not to exceed \$31,900.

ATTACHMENT

- 1) Site Map

CLAUS ROAD OVERLAY PROJECT



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.E

SECTION E: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject/ Title:	Award Bid for the Terminal Avenue Pavement Overlay Project and Authorize Execution of Future Change Orders
From:	Jill Anderson, City Manager
Submitted by:	JD Hightower, Development Services Director Kathleen Cleek, Sr. Management Analyst Laura Graybill, Project Coordinator

RECOMMENDATION

It is recommended that City Council Award the lowest responsible bidder, Knife River Construction to contract to construct the Terminal Avenue Pavement Overlay Project and authorize the City Manager to execute change orders within total project budget.

SUMMARY

The Terminal Avenue Pavement Overlay Project consists of asphalt resurfacing on approximately 0.45 miles of Terminal Avenue from Kentucky Avenue to Van Dusen Avenue. The purpose of the project is to repair areas of failing or damaged pavement to extend its service life and to prevent further deterioration of the roadway. This road was identified in a pavement management assessment by the Public Works Streets Supervisor, and identified through the California Department of Transportation as an eligible Regional Surface Transportation Program (RSTP).

A bid opening was held on Thursday, March 7, 2013, to consider the bids for the Terminal Avenue Pavement Overlay Project. The following bids were received:

Knife River Construction	\$144,907.90
George Reed	\$152,152.00
Rolfe Construction	\$194,921.00
Sinclair General Engineering Construction Inc.	\$201,501.95

Work on the project includes, but is not limited to, furnishing all labor, materials, equipment, transportation, and incidentals necessary for asphalt concrete overlay, striping, utility structures being raised to grade and all other facilities shown on the plans.

Bids have been reviewed and Knife River Construction has been identified as the lowest responsible bidder for the project.

BACKGROUND

The Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Surface Transportation Program (STP) Funds that are identified in Section 133 of Title 23 of the United States Code. This program provided flexible funding that may be used by local agencies for projects to preserve and improve the transportation system consistent with regional priorities.

The funds may be utilized for construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements on any Federal-aid highway including the National Highway System (NHS), bridge projects on any public road, transit capital projects, and intercity bus terminals and facilities.

The Stanislaus Council of Governments (StanCOG) is responsible for the distribution of RSTP funds. Each agency within StanCOG's jurisdiction receives a fixed funding allocation for the local agency use. StanCOG works with the local agencies to identify and program projects that adhere to the funding allocation for the agency and meet the RSTP project eligibility guidelines.

In the Stanislaus region, RSTP is utilized primarily for roadway rehabilitation.

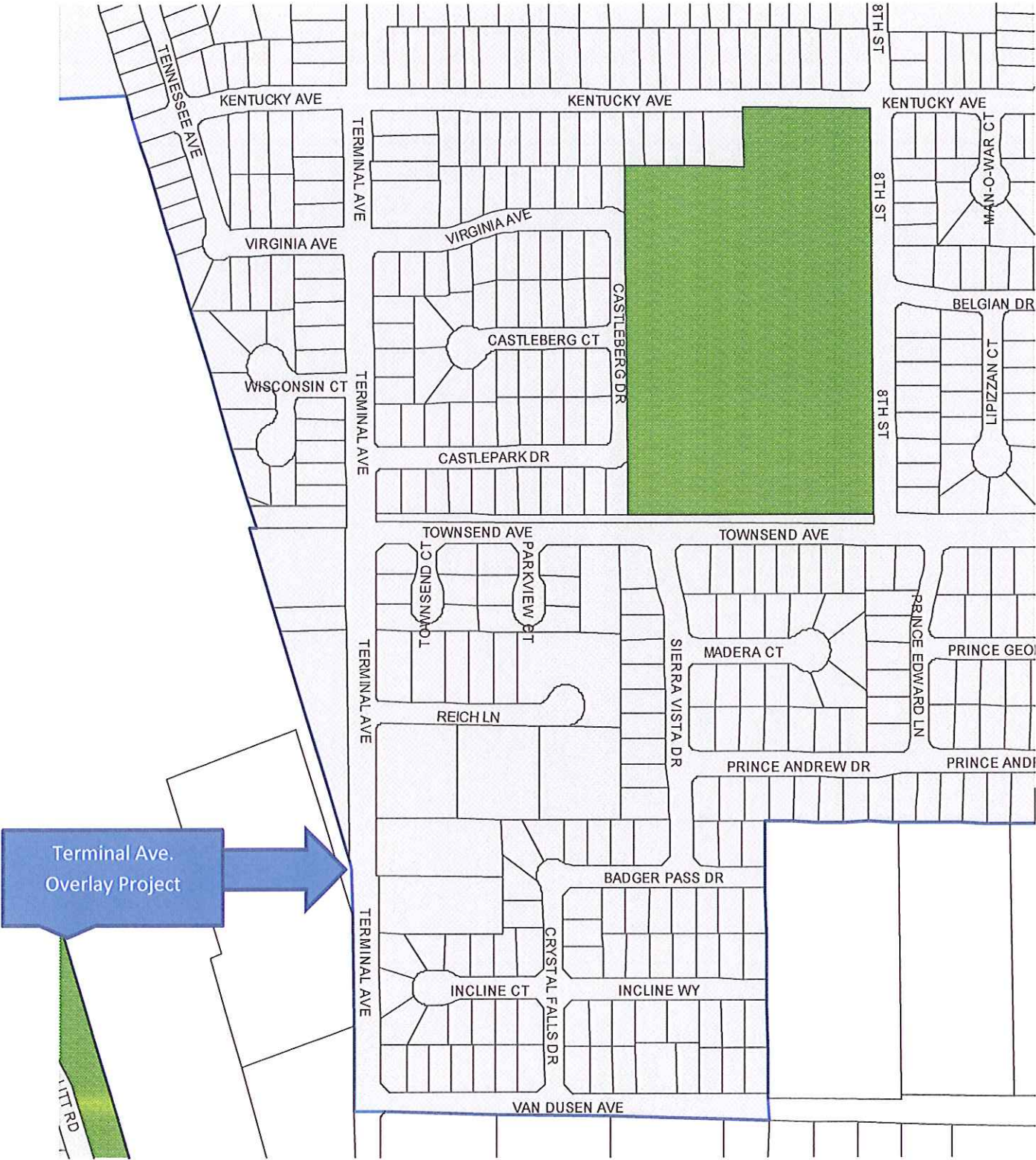
FINANCIAL IMPACT

The project is programmed in the Federal Transportation Improvement Plan (FTIP) under the Regional Surface Transportation Program (RSTP) for \$180,943. Federal Toll Credits are being used as local match. Local Transportation Funds (LTF) in the amount of \$15,850 will be used to replace hydrant markers and raise structures to grade due to the fact that this small portion of the work is no longer eligible for federal funds.

ATTACHMENT

- 1) Site Map

TERMINAL AVENUE OVERLAY PROJECT



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.F

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Approval to Execute a Memorandum of Agreement with Stanislaus County for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project
From:	Jill Anderson, City Manager
Submitted by:	J.D. Hightower, Development Services Director Kathleen Cleek, Sr. Management Analyst

RECOMMENDATION

It is recommended that the City Council authorize the City Manager to execute a Memorandum of Agreement between the County of Stanislaus and the City of Riverbank for the Preliminary Engineering Phase of the Claribel Road at Roselle Avenue Signalization Project.

SUMMARY

The Claribel Road at Roselle Avenue Signalization Project is located in Stanislaus County. The City of Riverbank is responsible for half of the roadway and the County is responsible for the other half. The intersection currently is controlled by a four-way stop and is non-signalized.

The purpose of this project is to improve regional air quality by installing traffic signals to reduce stop and start movements, improve safety, efficiency, and capacity at the intersection. The installation of the signals will also improve regional air quality based on the Congestion Mitigation and Air Quality (CMAQ) Cost-effective Standards, which calculated at \$3.58/kg/day pollution reduction. These intersection improvements have been identified in the Growth Related Public Facilities Needs – 2005-2020, System Development Fee analysis – December 2005, and the 2012-2016 Capital Improvement Plan

The City of Riverbank along with the County own and are responsible for operating portions of the intersection. The Memorandum of Agreement (MOA) provides for the cooperation between the two agencies to design the project. The MOA acknowledges that no money between the agencies is exchanged, and therefore, the MOA is the

appropriate agreement to execute. Once the engineering design of the project is complete, cost estimates and funding mechanisms for Right of Way, Construction, and Maintenance will be subjects of future agreements.

FINANCIAL IMPACT

The project is programmed in the Federal Transportation Improvement Plan (FTIP) for the Preliminary Engineering (PE) phase of the project under the Congestion Mitigation and Air Quality (CMAQ) Program for \$300,000. This phase of the project will include design, environmental documentation, right of way certification and 100% plans, specifications and estimates for the project. The total estimate cost of the Preliminary Engineering (PE) phase is approximately \$300,000. There is no expected local match for this phase of the project.

Once the engineering design of the project is complete, cost estimates and funding mechanisms for Right of Way, Construction, and Maintenance will be subjects of future agreements. Currently, the County has CMAQ funds for the right-of-way and construction portion of the project that are outlined in the FTIP in the amount of \$1,039,001. The City has collected and set aside \$202,500 in system development fees for the construction of the signal.

ATTACHMENTS

1. Memorandum of Agreement

MEMORANDUM OF AGREEMENT FOR THE CLARIBEL ROAD AT ROSELLE AVENUE SIGNALIZATION PROJECT PRELIMINARY ENGINEERING PHASE

This Memorandum of Agreement (the "AGREEMENT") is made and entered into by and between the County of Stanislaus (the "COUNTY") and the City of Riverbank (the "CITY") on _____, 2013

INTRODUCTION

- A. The purpose of this Agreement is to facilitate cooperation between the CITY and the COUNTY for the preliminary design, including environmental documentation and right of way certification of the signalization and intersection improvements at Claribel Road and Roselle Avenue (PROJECT). The right of way acquisition, construction phase and maintenance shall be the subject of a future agreements between the COUNTY and the CITY; and
- B. The improvements to the intersection consist of the installation of traffic signals, widening the intersection to provide for truck turn movements, the addition of left turn lanes in all directions, an asphalt overlay, and restriping of the roadway at Claribel Road and Roselle Avenue; and
- C. The PROJECT preliminary engineering phase will be funded at 100% Congestion Mitigation and Air Quality Improvement (CMAQ) funding; and

NOW, THEREFORE, it is agreed as follows:

SECTION 1. OBLIGATIONS OF THE COUNTY

- 1. Preliminary Engineering. The COUNTY shall act as the lead agency and provide design, environmental documentation, right of way certification, plans and specifications for the PROJECT.
- 2. Control of Project. Except as provided in Section 3 of this AGREEMENT, the COUNTY, through its designated representative, shall have exclusive control of the project work..
- 3. Project Accountability. The COUNTY shall be accountable for all funds used to pay for the PROJECT.
- 4. Lead Agency. The COUNTY shall be the "Lead Agency," as defined and used in Sections 15050 and 15367 of Title 14 of the California Code of Regulations, for purposes of compliance with the California Environmental Quality Act (Pub. Res. Code Section 21000, et seq.).

5. The COUNTY will apply for funding commitments for the PROJECT from the Congestion Management and Air Quality Program and Toll Credits to reimburse up to the maximum limits for the participating costs of the PROJECT.

SECTION 2. OBLIGATIONS OF THE CITY

1. The CITY shall fully cooperate with the COUNTY in providing all requested information or data necessary to facilitate the acquisition of funding commitments for the PROJECT for the Congestion Mitigation and Air Quality (CMAQ) Program and Toll Credits to reimburse up to the maximum limits for the participating costs of the PROJECT.
2. The CITY shall be responsible for all CITY staff costs associated with the PROJECT.

SECTION 3. MUTUAL OBLIGATIONS OF THE CITY AND THE COUNTY

1. Project Plans and Engineering. The CITY shall be entitled to review and comment upon any and all PROJECT plans, specifications and designs and the COUNTY shall incorporate all reasonable requests to modify such plans, specifications and designs for portions of the PROJECT lying within the incorporated area of the CITY.
2. Project Maintenance. CITY and COUNTY shall enter into a separate Maintenance Agreement prior to PROJECT construction.
3. The cost of any work referred to in this AGREEMENT shall include all direct and indirect costs (functional and administrative overhead assessment) attributable to the PROJECT, applied in accordance with CITY and COUNTY standard accounting practice.

100% Congestion Mitigation and Air Quality Program and Toll Credit funding not to exceed the programmed amount of \$300,000.

4. All funds are subject to availability.

SECTION 4. PAYMENT

1. COUNTY's total spending authority for PROJECT contract is approved by the Board of Supervisors and includes the cost of the contracted services plus a contingency amount designated for any additions or changes to the contract if needed. COUNTY will provide written notice to CITY when the sum of all the task orders or contract change orders executed for any PROJECT contract reaches 75% of the Board of Supervisor-approved contingency. COUNTY will provide written notice to CITY prior to increasing the total spending authority for any PROJECT contract that has been considered and approved by the Stanislaus County Board of Supervisors.

SECTION 5. AMENDMENTS

1. Any amendments to this agreement including, but not limited to, changes in scope, responsibility, and/or cost, shall be mutually agreed upon and executed by agents of the CITY and COUNTY, and approved by CITY Council and the COUNTY Board of Supervisors.

SECTION 6. TERMINATION

1. Either party may terminate this AGREEMENT upon 30 days written notice to the other party.
2. This AGREEMENT shall be terminated at the time the improvements have been accepted by both the CITY and the COUNTY and at the start of the construction warranty period.

SECTION 7. INDEMNITY

1. Neither party, nor any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the other party under or in connection with any work delegated to that party under this Agreement. The parties further agree, pursuant to Government Code Section 895.4, that each party shall fully indemnify and hold harmless the other party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken, or omitted to be taken by such party under this Agreement.

SECTION 8. CORRESPONDENCE

1. Any notice which may be required under this AGREEMENT shall be in writing and shall be given by personal service, first-class mail, certified or registered mail return receipt requested, or overnight delivery to the addresses set forth below:

CITY

Kathleen Cleek
Sr. Management Analyst
City of Riverbank
6607 Third Street (Mailing)
6617 Third Street (Office)
Riverbank, CA 95367

COUNTY

Aja Verburg, PE
Associate Civil Engineer
Stanislaus County Public Works

1716 Morgan Road
Modesto, CA 95358

2. Any notice which may be required under this AGREEMENT shall be in writing and shall be given by personal service, first-class mail, certified or registered mail return receipt.

IN WITNESS WHEREOF, the CITY of Riverbank, a municipal corporation, has authorized the execution of this Agreement in duplicate by its CITY Manager and attestation by its CITY Clerk under authority of Resolution No. 2012-_____, adopted by the Council of the CITY of Modesto on the _____ day of _____, 2012, and the COUNTY of Stanislaus, a Political Subdivision of the State of California, has authorized the execution of this Agreement in duplicate under authority of Resolution No. _____, adopted by the Board of Supervisors of Stanislaus COUNTY on the _____.

CITY OF RIVERBANK,
a Municipal Corporation

By _____
JILL ANDERSON, CITY Manager

COUNTY OF STANISLAUS, a
Political Subdivision of the State of California

By _____
VITO CHIESA,
Chairman Board of Supervisors

ATTEST:

By _____
ANNABELLE AGUILAR, CITY Clerk
(SEAL)

ATTEST:

By _____
CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
TOM HALINAN, CITY Attorney

By _____
TOM HALINAN,
CITY Attorney

APPROVED AS TO FORM:
JOHN DOERING, COUNTY Counsel

By _____
THOMAS E. BOZE,
Deputy COUNTY Counsel

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.G

SECTION 3: CONSENT CALENDAR

Meeting Date:	March 25, 2013
Subject:	Resolution to Adopt the Support of Enterprise Zones
From:	Jill Anderson, City Manager
Submitted by:	J.D. Hightower, Development Services Director Janet Smallen, Sr. Community Development Specialist

RECOMMENDATION

It is recommended that the City Council Adopt a Resolution Supporting Enterprise Zones.

SUMMARY

The League of California Cities is encouraging Cities to help support enterprise zones as a way to encourage economic development. It is in the economic interest of the state to have one strong, combined, and business-friendly incentive program to help attract industry and business to the state, and create and expand job opportunities for all Californians. Enterprise Zones retain and create jobs and attract new businesses to California.

BACKGROUND

California's Enterprise Zone program was established in 1984 to stimulate business investment in depressed areas of the state and create job opportunities for Californians. According to the California Association of Enterprise Zones, in 2010, Enterprise Zones created or retained more than 118,000 jobs while California experienced unprecedented unemployment.

When Governor Brown released his 2011-2012 budget proposal the elimination of all enterprise zone tax incentives, including Targeted Tax Areas, Manufacturing Enhancement Areas, and Local Agency Military Base Recovery Areas. Tax benefits to be repealed included: hiring credit, credit for sales tax paid, credit for employees who earn wages within the areas, and a deduction for interest received from businesses in

the area. The proposal was estimated to save the state over \$300 million in 2010-2011 and almost \$600 million in 2011-2012.

What would replace enterprise zones? The Governor proposed that “local agencies that want to keep any local incentives could continue to do so.” Furthermore, the Governor’s budget stated that the primary benefit of enterprise zones is to shift economic activity from one geographic region within California to another geographic region within California and is therefore, not a policy of statewide interest.

One of the challenges of eliminating enterprise zones in 2011 and 2012 was that it required a 2/3 vote of the Legislature, but this elimination proved difficult. The Governor’s May Revision was released, enterprise zones were retained, but the Governor proposed:

- Ø Reforming enterprise zones to help ensure that the zones are creating incentives for new jobs;
- Ø Rather than reward businesses for decisions they have already made.

As a result of the Governor’s proposal, the Department of Housing and Community Development (HCD) embarked on the task to make changes to the enterprise zone program through the regulatory process, which would also avoid the need for a 2/3 vote.

- Ø HCD has looked at limiting retroactive vouchering;
- Ø Reducing Target Employment Areas;
- Ø Restricting expansions of zones.

In addition to these changes, HCD it is using “it’s authorized discretion to not open up applications for new zones until the program is sufficiently reformed to strengthen its effectiveness to incentivize job creation.”

Assemblyman Alejo introduced, and the League supported AB 484 (2012) which would have allowed a temporary resignation of the expired 2012 enterprise zones. Unfortunately, this bill failed in the Senate Governance and Finance Committee by a vote of 3-5.

- Ø Governor’s Proposed Budget was released on January 10, 2013. The Budget includes savings relating to new regulations for the Enterprise Zone program. The proposed regulations will:
 - Ø Limit retroactive vouchering by requiring all voucher applications to be made within one year of the date of hire.
 - Ø Streamline the vouchering process for hiring veterans and recipients of public assistance.
 - Ø Create stricter zone audit procedures and audit failure procedures.

- Ø The regulations are expected to increase General Fund revenue by \$10 million in 2012-13 and \$50 million in 2013-14.
- Ø The Administration will be pursuing further Enterprise Zone reform through legislation.

FINAL IMPACT

There is no direct fiscal impact.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK SUPPORTING THE POSITIVE BENEFITS OF THE ENTERPRISE ZONE PROGRAM IN LOCAL COMMUNITIES AND ON A STATEWIDE ECONOMIC LEVEL

WHEREAS, California's Enterprise Zone program was established in 1984 by the legislature to stimulate business investment in depressed areas of the state and create job opportunities for Californians; and

WHEREAS, according to the findings and declarations of the Enterprise Zone Act, it is in the economic interest of the state to have one strong, combined, and business-friendly incentive program to help attract business and industry to the state, to help retain and expand existing state business and industry, and to create increased job opportunities for all Californians; and

WHEREAS, Enterprise Zones create and retain jobs. According to the California Association of Enterprise Zones, in 2010 more than 118,000 jobs were created while California experienced unprecedented unemployment; and

WHEREAS, Enterprise Zones attract businesses to California and retain them. Once a zone is approved, businesses construct facilities, purchase equipment, hire workers and make other investments; and

WHEREAS, Enterprise Zones provide a geographically targeted economic development tool designed to improve poor and blighted communities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Riverbank hereby proclaims support of the positive benefits of the Enterprise Zone Program in local communities and on a statewide economic level.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25TH day of March, 2013; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: March 25, 2013

Subject: Certification of the Downtown Riverbank Final Environmental Impact Report; Adoption of CEQA Findings of Fact and Statement of Overriding Considerations; and Adoption of a Mitigation Monitoring and Reporting Program

From: Jill Anderson, City Manager

Submitted by: J.D. Hightower, Development Services Director

RECOMMENDATION

It is recommended that the City Council:

- 1) Open the public hearing; receive public comments; close the public hearing;
- 2) Approve the resolution which will certify the EIR, adopt the CEQA Findings of Fact and Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program.

SUMMARY

An Environmental Impact Report (EIR) is an informational document that is intended to inform decision makers and the general public of the significant adverse environmental effects of a project. It does not recommend approval or denial of a project. The Draft Downtown Specific Plan EIR (DTSP EIR) was developed to gain additional information concerning a proposed Downtown Specific Plan and/or other policies that provide for the systematic implementation of General Plan goals, policies and implementation strategies on the build-out of the nostalgic downtown Riverbank area.

There are many types of EIR's permitted by the California Environmental Quality Act (CEQA), the one being considered is a program EIR. A program EIR is most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. This program includes the previously recommended General Plan Amendment in the downtown area, as well as the expected future adoption of a "Mixed Use" designation and chapter of the zoning code. By providing a good and detailed analysis of these programs in the DTSP EIR, subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required. However, every

project would continue to be evaluated for potential environmental impacts even if the DTSP EIR is certified. If a new development or project goes beyond the scope of the program EIR there could be a need for additional environmental evaluation, including the possibility of a project level EIR to address project specific impacts.

Although named the Downtown Specific Plan (DTSP) Environmental Impact Report (EIR), this EIR addresses environmental impacts associated with both public and private actions in downtown Riverbank, based on an updated assessment of future land use change, consistent with the City's General Plan (GP). This EIR is appropriate for consideration whether or not the City adopts the draft Downtown Specific Plan. The DTSP EIR provides the analytical superstructure needed to reduce the amount of new information required to entitle future projects in the downtown area, although future projects may still require environmental analysis. The EIR presents a thorough analysis of the impacts of public and private actions within the study area, as well as environmental impacts affecting existing land uses within the study area.

While it is recommended that the City Council certify the DTSP EIR, there is more work to be done on the actual Downtown Specific Plan (DTSP). In order to address those questions and provide additional opportunities for community feedback, the City Council may want to conduct a "Town Hall" type meeting regarding the Downtown Specific Plan in the coming months.

BACKGROUND

At the February 19, 2013 meeting, the Planning Commission held a public meeting on this matter, deliberated, and decided to forward a recommendation that the City Council certify the Downtown Specific Plan Final Environmental Impact Report. Two people spoke on the matter. The owner of the cannery site in favor of certification and a downtown resident opposed the certification.

Throughout the development of the EIR, staff and members of the consulting team have fielded a wide range of questions. The answers to the most common questions are provided below to address many of the key issues that have been raised during the process.

Is the EIR Adequate?

Yes, the EIR comprehensively analyzes potential adverse significant impacts associated with buildout of the City's General Plan within the identified 218-acre study area in downtown Riverbank. The City's environmental analysis was prepared in a way that is consistent with the California Environmental Quality Act (CEQA) statutory direction, the CEQA Guidelines, and applicable case law.

The City's environmental analysis addresses comprehensively each of the 18 environmental topics included in the "checklist" Appendix G to the CEQA Guidelines, including cumulative impacts (those that are individually limited but could be substantial

when viewed in combination with other projects) and growth-inducing impacts (indirect inducement of economic or population growth from, for example, extension of a sewer line to an area not previously served).

The City used an environmental Initial Study to explore potential impacts based on updated forecasts for land use change downtown. The Initial Study was used to focus the EIR analysis on potentially significant effects, as is recommended in several sections of the CEQA Guidelines (for example, CEQA Guidelines Section 15006, 15063, and 15128). The focused EIR addresses the following environmental topics: air quality, cultural resources, global climate change, noise, transportation, and water supply. Mitigation is identified for each potentially significant effect and the City also considers a range of alternatives that also would have the potential to reduce or avoid potentially significant impacts. The environmental review is consistent with CEQA and adequate for addressing the potential adverse physical impacts associated with forecast land use change downtown.

Does the EIR only analyze impacts associated with redevelopment of the former cannery site?

No. As detailed throughout the EIR and particularly in Section 3, "Project Description," the EIR comprehensively addresses forecast land use change on the cannery site and also impacts associated with land use change and related public facilities located east of the Burlington Northern Santa Fe (BNSF) railroad in downtown Riverbank.

Does the EIR address land use change downtown, including what would be allowed under the proposed General Plan amendment?

Yes. The EIR presents a thorough analysis of land use change throughout the downtown area, with a focus on reinvestment on vacant and substantially underutilized properties. On March 17, 2012, the Planning Commission decided to recommend a General Plan Amendment to the City Council. That recommendation proposes an amendment from Higher Density Residential to Mixed Use for approximately 9 acres of land.

The EIR does not assume that land use change would occur everywhere throughout downtown Riverbank, but rather focuses on the vacant and substantially underutilized properties where the City would like to encourage reinvestment. Certain of the properties that are more likely to experience reinvestment (including those on either side of Third Street just north of Patterson and on Callander Avenue just north of Santa Fe Street) were assumed to develop in the EIR analysis. Both residential development, consistent with the existing General Plan Land Use Classification, and non-residential development, consistent with the proposed General Plan Amendment, were assumed, comprehensively analyzed, and reported in the EIR.

What is the relationship between the EIR and other related projects?

Some of the planning and environmental information that is required to support the EIR is also useful to other efforts, including the Nexus Fee Study, the Regional Transportation Impact Fee working group, the State Route 108 Relinquishment and Reinvestment Study, and potential applications to the California Public Utilities Commission (CPUC) for railroad crossing grants. The information and analysis to support these other related efforts do not depend on the certification of this EIR and do not depend at all on the eventual adoption of the Downtown Specific Plan. Each effort will necessarily stand on the merits. However, the City has strategically structured these related activities in the most efficient way possible in order to conserve valuable resources. The information provided in an EIR can be used to support decision making on multiple efforts. This is consistent with various parts of the CEQA Guidelines that emphasize the need to reduce paperwork and unnecessary duplication of analysis (CEQA Guidelines Sections 15006, 15152, 15168, 15183).

Does the EIR still provide current data?

Yes. The analysis in the EIR is not only designed to provide analysis of near-term effects in each of the 18 environmental topics included in Appendix G to the CEQA Guidelines, but also to enhance the “shelf life” by characterizing long-term effects associated with buildout of the 2005-2025 General Plan within the study area identified in the EIR. Impacts are analyzed against “baseline” conditions, which are normally those that exist at the time the Notice of Preparation (NOP) of the EIR is issued.

When was the EIR drafted and when was it available for public review?

While the general public discussion regarding the Draft Downtown Specific Plan began in 2007, the environmental work began in 2010 with the drafting of an environmental Initial Study, which was circulated for review and comment along with a notice of preparation (NOP) of a draft EIR on October 6, 2010. After the scoping meeting in Riverbank on October 27, 2010 and the end of the 30-day public comment period on the NOP on November 15, 2010, the City drafted the focused, program EIR, which was made available for review on February 2, 2011.

Did the City provide for adequate review of the draft EIR?

Yes. On October 6, 2010, the City of Riverbank circulated an environmental initial study (IS) and issued a notice of preparation (NOP) of a draft EIR. The NOP was filed with the State Clearinghouse on October 6, 2010. The 30-day public comment period on the NOP ended on November 15, 2010. In addition to the opportunity for written comments, the City also provided for verbal comments and additional written comments at a scoping meeting in Riverbank on October 27, 2010.

On February 2, 2011, the City made the draft EIR available to public agencies and interested parties for review and comment. A notice of availability was published and

the period for receipt of comments on the draft Preliminary EIR remained open for 45 days, until close of business on March 18, 2011. Notices of a public hearing on the draft EIR were published in the Riverbank News (local general circulation newspaper). The notice identified the project location, summarized the project, summarized the findings of the EIR, identified where the documents were available for review, indicated the review period, and where comments on the draft EIR should be sent. In addition to the opportunity to provide written comments, the City also provided for a public workshop to receive verbal comments and additional written comments on Monday, March 14, 2011, in Riverbank. There is no requirement that there be 45 days between the release of the draft EIR and the public workshop to receive additional verbal and written comments on the draft EIR.

Did the public have adequate opportunity for notification and comment?

Yes. The City provided a large number of opportunities to the public for verbal and written comments on the planning and environmental portions of this project, including, but not limited to:

- ▶ Various meetings and workshops, to discuss the vision, preliminary analysis, urban design strategies, draft documents, and other topics related to the Draft Downtown Specific Plan from November 2007 to November 2008 that are documented on pages Vision1:7 to 1:9 of the Draft Specific Plan:
 - November 2007: 2-Day Meetings with Staff, City Council, Planning Commission, and Residents on the vision for the Downtown Specific Plan and related topics
 - January 2008: Meeting at Scout's Hall with Downtown Residents, Landowners, Business Owners to discuss the preliminary analysis for the Specific Plan and related topics
 - February 2008: Community workshop to discuss urban design strategies
 - April 2008: Workshop with the Planning Commission, City Council, and members of the public to discuss land use and urban design, among other topics
 - August 2008: Meeting with the Planning Commission, the Downtown Revitalization Committee, and members of the public to discuss the preliminary approach to regulatory guidance, among other topics
 - September 2008: Workshop to discuss the administrative draft Specific Plan, among other topics
 - November 2008: Workshop to discuss the Public Review Draft Specific Plan, among other topics
- ▶ October 2010: EIR Notice of Preparation Scoping Meeting
- ▶ February 2011: Workshop to review the Public Review Draft EIR, among other topics
- ▶ March 2011: Public Hearing to review the Draft EIR, among other topics
- ▶ June 2011: City Council Workshop to discuss the consistency between the draft Specific Plan and the City's adopted General Plan, among other topics

- ▶ July 2011: City Council Workshop to discuss the consistency between the draft Specific Plan and the City's adopted General Plan, among other topics
- ▶ November 2011: City Council Hearing to review proposed revisions to the draft Specific Plan, among other topics
- ▶ December 2011: Final EIR Responses Released for public and agency review
- ▶ March 2012: Planning Commission Hearing to review the proposed General Plan Amendments, the draft Specific Plan, and the EIR, among other topics
- ▶ April 2012: Planning Commission Hearing to discuss the draft Specific Plan
- ▶ On February 19, 2013, the Planning Commission held a public hearing and voted to recommend to the City Council certification of the EIR.

The public was notified in a number of ways, including direct mailings, notices in the local newspaper of record, posting of hearings at City Hall, and on the City's web site.

Does the EIR address residences on Seventh Street and Callander Avenue?

Yes, where appropriate. The EIR comprehensively analyzes environmental impacts within the defined 218-acre study area, as well as reasonably foreseeable impacts from land use change in the study area that affect areas outside the study area. This includes consideration of impacts that may affect residences currently located on Seventh Street and Callander Avenue.

What is the relationship between the EIR and permits issued by the City?

The EIR is an informational document and does not include commentary as to whether any specific project should or should not be approved. The EIR does not have any direct effect on whether or not particular permits should be or should not be approved. In the future, if the EIR is certified, it will be used to provide guidance to projects seeking entitlements. The EIR can be used to identify the mitigation measures that may need to be incorporated into projects and permits in the downtown area in order to reduce or avoid environmental impacts.

Were comments on the planning and environmental process addressed by the Planning Commission?

There were written and verbal comments received that pertain to the draft EIR. The City has provided complete written responses to each of these comments and has also circulated the responses for public review.

The public is also free to ask questions during public hearings, however, the Planning Commission and City Council are under no obligation to answer these questions. If the answer to the question is pertinent to their deliberation, then the Planning Commission or the City Council may ask staff to answer any questions that the individual members deem appropriate and conducive to their decision making process. Although this is not a requirement, in some cases, staff was and can be directed to answer individual

questions related to the planning and environmental review in order to help members of the public better understand the process.

Does the EIR analyze development on vacant parcels as well as change from one land use to another and impacts of these land use changes?

Yes. The EIR is, for the most part, focused on reinvestment projects located on vacant and substantially underutilized. The EIR does not anticipate, for example, that existing residential portions of the study area would experience whole-scale change to a different land use. However, the EIR does anticipate that there could be non-residential development in certain locations where the current predominant use is residential. With the exception of the former cannery site, this land use change involves relatively small-scale developments. General Plan policy and mitigation included in the Mitigation Monitoring and Reporting Program for this EIR include strategies to reduce or avoid adverse impacts associated with a mixed-use environment.

Is it appropriate for the EIR to analyze land use change impacts that could be further discussed in future zoning code changes, the proposed General Plan Amendment, and the draft Downtown Specific Plan prior to the approval of these items?

Yes, in fact, the City's certification of the EIR is required prior to actions to approve any of these potentially related items. The City is required to review and consider the environmental findings prior to taking action to approve specific projects analyzed in the subject environmental review. The City's action on the EIR is independent, however, from the City's action on any of these potentially related projects. This EIR is appropriate for consideration whether or not the City adopts the draft Downtown Specific Plan, for example.

As stated earlier in this report, the EIR under consideration is a program EIR. A program EIR is most helpful in dealing with subsequent activities if it deals with the effects of the overall program as specifically and comprehensively as possible. The "program," in this case, is the build-out of downtown Riverbank under the auspices of the General Plan, including development projects and public facilities and infrastructure needed to serve these projects. This program includes the previously recommended General Plan Amendment in the downtown area, as well as the expected future adoption of a "Mixed Use" designation and chapter of the zoning code. Just as the General Plan analyzes the impacts of build-out according to land use designations, which would be expected to be translated into updated zoning districts, this EIR analyzes the effects of the land use designation changes, with the expectation that these would be consistently translated into future zoning districts.

By providing a rigorous and detailed analysis of these programs in the EIR with a clear description of the land use change assumptions, subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required. However, every project would continue to

be evaluated for potential environmental impacts even if the DTSP EIR is certified. If a new development or project goes beyond the scope of the program EIR there could be a need for additional environmental evaluation, including the possibility of a project level EIR to address project specific impacts.

FINANCIAL IMPACT

There is no direct cost associated with certification of the DTSP EIR; however, if approved, it will provide information that could facilitate investment in the downtown area, including the cannery site.

A certified EIR helps businesses and developers to know in advance what overall environmental measures will be needed to proceed with a project, as identified in a program level EIR. Again, the certification of the program level EIR does not mean that future development is immune from further environmental review; it only narrows the scope of the additional evaluation needed.

ATTACHMENTS

1. Resolution that: 1) Certifies the Downtown Riverbank Final Environmental Impact Report; 2) Adopts CEQA Findings of Fact and Statement of Overriding Considerations; and 3) Adopts a Mitigation Monitoring and Reporting Program. The Draft EIR was previously provided to the City Council and is available on the City's website.
2. Draft EIR Report – 1.2 The Planning Process

1.2 THE PLANNING PROCESS

Overview

The Specific Plan's Vision and Guiding Principles grew out of an extensive public planning process.

Stage 1 of the planning process began in November 2007 with the Two Day Dialog consisting of two days of meetings between the consultant team and members City Staff, City Council the Planning Commission, stakeholders, and residents. During these meeting, community members discussed their visions for revitalization, and their ideas for attracting new investment. The consultant team circulated a survey encouraging residents to describe the current role that Downtown plays in their daily lives, and what they would like to see in the future.

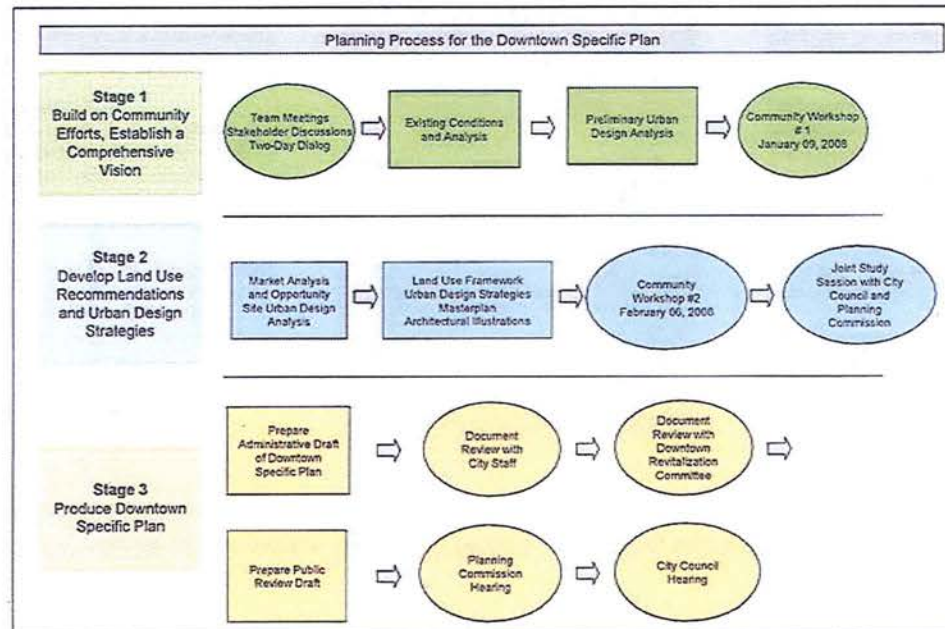
In January 2008, the consultant team met with community members at the Scouts' Hall to present preliminary urban design analyses, and to further the dialog with Downtown residents, land owners, and business owners. Community members were asked to describe their vision for Downtown. Details are included in the following pages.

Stage 2 began with a presentation of preliminary urban design strategies for revitalization during a second community workshop held in Downtown on February 6, 2008. Urban design strategies included preliminary recommendations for district formation, land use regulations, and capital improvements. Following the presentation, the consultant team recorded input from the community, and discussed the strategies in greater detail.

Based on the community's input in the second workshop, the consultant team modified the land use and urban design recommendations and presented refined strategies in a Joint Study Session with Planning Commission and City Council on April 14, 2008. Members of City Council and Planning Commission approved the direction of the land use and urban design recommendations and directed the consultant team to prepare the Administrative Draft of the Specific Plan.

The consultant team met with members of the Planning Commission and the Downtown Revitalization Committee to discuss preliminary regulations on August 18, and delivered the Administrative Draft of the Specific Plan to City Staff in September, 2008.

The Public Review Draft of the Plan was made available to the full Riverbank community in November, 2008. Presentation to the Planning Commission occurred on [tbd]. Presentation to City Council was made on [tbd].



1.2 THE PLANNING PROCESS

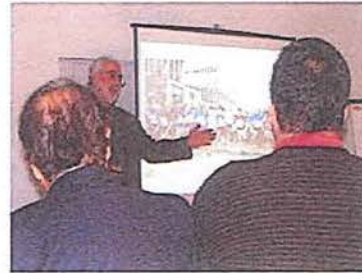
Public Input

Throughout the planning process, community members and stakeholders discussed their visions for Downtown revitalization, and the steps necessary to achieve their desired future. The following summary of community input and subsequent vision statement form a basis for the Plan's Revitalization Strategies.



Community Input - Vision

- Downtown should feel like the center of the community. It has been 'losing ground' to the newer developments located in other areas of the City. If Downtown is to survive, it needs to attract new investment.
- Downtown is home to many residents and is the City's historic residential center. As Downtown grows, we must protect and enhance the existing residences, while attracting new residents to strengthen its role as a neighborhood.
- We need more reasons to shop Downtown: Banks, shops, boutiques, a pharmacy and other places to go every day.
- More restaurants would be a great asset in the Downtown. They would help to attract families on a regular basis.
- Downtown should be the place that everybody goes on the weekends. It should be a place for community gatherings and shouldn't feel like a shopping center or mall.
- Downtown must become home to Riverbank's art culture. We should expand the visual and performing arts program and make sure that Downtown is the City's center for art and cultural activities.



Community Input - Strategies

- Focus new residential development in the Downtown District.
- Attract many new businesses to Downtown. Use zoning controls to limit competition from nearby areas.
- The Downtown buildings need to be made more attractive. Right now, there are too many unattractive buildings. We need design standards for new buildings and programs to improve building facades.
- Work with the Chamber of Commerce to focus new businesses in the Downtown District.
- Develop the Cannery District in a way that will bring more people to the Downtown District. Add more housing that will be affordable to empty-nesters, single folks, and young families. We also need more rental housing in the Downtown.
- Make sure that new streets and parks are designed to support pedestrians in the Downtown. The streets are too wide and we need many more trees and benches to make it more walkable.
- We need to announce the Downtown District. It's hard to find Downtown if you don't know where you're going. We need more signage and better gateways.



1.2 THE PLANNING PROCESS

DOWNTOWN VISION

In the morning hours, there is much activity along Santa Fe Street as shopkeepers arrive to open their business. Residents of downtown neighborhoods can be seen grabbing a coffee and a copy of the local paper as they are greeted by employees of local businesses. City officials and municipal employees are chatting beside City Hall as children can be seen hustling down the sidewalks on their way to school.

During the day, Downtown shops and services are busy with customers. Where vacant shopfronts once stood, Downtown is alive with new buildings that have a desirable mix of retail shops and restaurants on the ground floor, and professional offices and private homes on upper stories. Community members can be seen running errands, visiting City Hall, and taking care of their daily needs at local shops. There is ample parking for customers, and walking to and from businesses and other destinations is a pleasure along tree-lined streets.

By midday, sidewalks are abuzz with residents and visitors dining al fresco where restaurants and cafes have placed tables on sidewalks, and in paseos and plazas beneath large shade trees. Near the Plaza Del Rio at the corner of Santa Fe Street and Third Street, local artists can be seen setting up easels in preparation for the weekend's art show, while a group of seniors practice Tai-chi in the shade.

As the sun sets and the air begins to cool, some residents make their way on foot, by bicycle, and on the ROTA Trolley to the Town Center Plaza in the Cannery District to participate in the evening's dance celebration. Residents living along Downtown's boulevards and throughout Downtown neighborhoods make a quick stop at a local foods store to pick up some dinner and a bottle of wine before heading home for the evening.

Downtown Riverbank is the vibrant and active center of the Riverbank community. What was historically the City's most cherished district has reclaimed its place as the social and cultural heart of the City.



"We should continue to build on the Rio Arts program and bring more events to Downtown for the community to enjoy"



"More open spaces would help. No more industrial uses. Parking areas should be located behind buildings. Downtown needs to be friendly to people."



Many people live Downtown. It is important that we protect existing residences, and don't create conditions that adversely affect Downtown residents.



We need better conditions for pedestrians and bicycle riders. More attractive streets throughout the district is essential.

1.2 THE PLANNING PROCESS

GUIDING PRINCIPLES

The following statements have been selected from the City's General Plan to best reflect the community's goals for Downtown. In combination with the public input recorded during this Plan's public planning process, and the accompanying Riverbank 2025 Vision, these statements form the basis for the Specific Plan's Revitalization Strategies.

Small Town Character

- Downtown should be the social and cultural heart of our community, and must not be left behind as the city grows.
- Small, locally-owned businesses are an important part of the unique character of Riverbank and essential to a healthy local economy.

Community Identity

- Downtown should remain a walkable, pedestrian-scaled commercial center that best reflects our community's unique identity and our desire to maintain our small town image.

Choice and Diversity

- We value the opportunities to live, shop, work, and recreate locally if we choose to.
- We will design our community so that people can walk, bicycle, or use public transit if they choose not to drive.

Improved Quality of Life as the City Grows

- The future health of Riverbank requires that older neighborhoods be improved at the same time that new areas develop.
- New development should increase, not impede our sense of being connected as one community.

Land Use

- The City will encourage development and redevelopment of Downtown as a mixed-use, high-activity area. Development and retention of retail and visitor-oriented uses, business and personal services, government and professional offices, communications facilities, civic uses, and high-density residential uses will be encouraged.

The Riverbank 2025 Vision

Riverbank in 2025 has a small-town character where residents can live, work, and play locally. The City has a thriving downtown that offers a variety of retail opportunities and services and functions as the social and cultural heart of the community.

Riverbank has a healthy and diversified industrial base served by its railroad, safe and walkable/bikable neighborhoods, and a wide range of employment and housing opportunities for its diverse population. Although we welcome automobiles, Riverbank is a place for PEOPLE. Those who choose not to drive can easily and safely walk, bicycle, or use public transit to get to work, school, shopping, or a local park.

Riverbankers' strong sense of community identity is reflected in its public gathering places and activities, architectural variety, and the ways in which the City's riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment.

Riverbank in 2025 has succeeded in creating a balance between housing and jobs for its residents, commerce and industries that support the local economy, and the protection of agriculture and natural resources.

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE
#2010102004), ADOPTION OF CEQA FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE DOWNTOWN RIVERBANK SPECIFIC PLAN
AND THE SYSTEMATIC IMPLEMENTATION OF ADOPTED GENERAL PLAN
POLICIES WITHIN THE NOSTALGIC DOWNTOWN RIVERBANK AREA**

WHEREAS, on April 22, 2009, the City of Riverbank adopted a General Plan with a Vision Statement and Guiding Principles that, "Downtown should be the social and cultural heart of our community, and must not be left behind as the City grows"; and

WHEREAS, the General Plan contains a wide array of goals, policies and implementation strategies for the downtown area of Riverbank; and

WHEREAS, Section 15168 of the Guidelines for the California Environmental Quality Act states that, " A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) As logical parts in a chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways" and the General Plan goals, policies and implementation strategies for the Downtown Riverbank meet one or more of these criteria; and

WHEREAS, a Notice of Preparation was released for public and agency review and comment on October 6, 2010, with public review period starting October 6, 2010, and ending on November 15, 2010, and a public scoping meeting to receive comments on topics and issues that should be evaluated in the Draft EIR was held by the City on October 27, 2010; and

WHEREAS, a Notice of Completion for the Draft EIR (State Clearinghouse #2010102004) was also submitted to the State Clearinghouse for state agency review with public review period starting February 2, 2011; and

WHEREAS, the City circulated and posted in the local newspaper of general circulation and at City Hall, a Notice of Availability for the Draft EIR, which invited additional public comments on the Draft EIR; and

WHEREAS, the construction of the Santa Fe Street undercrossing is a major public facility that will have a major influence on traffic patterns and requires a series of actions necessary to maximize the investment required; and

WHEREAS, the General Plan Circulation Element identifies key issues in circulation as Connectivity and Continuity, Accessibility, Safety and Livability that the Santa Fe Street undercrossing will help achieve; and

WHEREAS, other development decisions preclude construction of the originally envisioned Kentucky Street overcrossing of the BNSF Railroad and Santa Fe Street is now the location identified in the adopted General Plan Circulation Element for a new grade-separated crossing; and

WHEREAS, the Bridge and Overpass Account of the System Development Fee was used to fully evaluate the land use and transportation impacts of the Santa Fe Street undercrossing as identified in the Environmental Impact Report for the General Plan Implementation; and

WHEREAS, CEQA Findings of Fact and Statement of Overriding Considerations for the Downtown Riverbank Specific Plan and Systematic Implementation of adopted General Plan policies for Downtown Riverbank are incorporated by reference into this resolution; and

WHEREAS, the Final Environmental Impact Report at a program level analyzes the environmental impacts associated with achieving the adopted Vision Statement of the City; and

WHEREAS, the proposed undercrossing at Santa Fe Street of the BNSF tracks is a key improvement that will change traffic patterns and general circulation associated with achieving the Vision Statement of the City and in particular within the nostalgic Downtown Riverbank area; and

WHEREAS, a healthy Riverbank requires that its residents feel a sense of connection; that physical, economic, or social barriers that prevent us from living as one community should be removed whenever possible; and that the BNSF railroad and its limited crossings in the City acts as such a barrier; and

WHEREAS, economic and fiscal sustainability are important to Riverbank's future and our citizens' quality of life; that development decisions should contribute to the economic health and fiscal sustainability of the City; and that the Environmental Impact Report for Implementation of the General Plan for Downtown Riverbank provides the information needed to evaluate future projects to ensure the economic health and fiscal sustainability of the City; and

WHEREAS, pedestrians and bicyclists should be as confident in their ability to travel safely in Riverbank as do our drivers and that the EIR for the Downtown Riverbank Specific Plan and Systematic Implementation of adopted General Plan policies within the nostalgic Downtown Riverbank area evaluates traffic impacts associated with the build-out of the downtown area and contains mitigation measures that protect all modes of traffic; and

WHEREAS, the air we breathe and the water we use affect our health and well-being; that we want growth and development to maintain the high standards for the quality of our air and water; and that the EIR for Downtown Riverbank Specific Plan and Systematic Implementation of adopted General Plan policies within nostalgic Downtown Riverbank evaluates air quality and greenhouse gas emission impacts associated with the build-out of the Downtown area; and

WHEREAS, the purpose of this EIR is to identify the significant effects on the environment within Downtown Riverbank of the Downtown Riverbank Specific Plan or other programs that systematically implement the adopted policies of the General Plan, to identify alternatives to these policies on the build-out of the downtown area, and to indicate the manner in which those significant effects can be mitigated or avoided; and

WHEREAS, the City shall mitigate or avoid the significant effects on the environment within the downtown area created by the policies of the Downtown Specific Plan or other programs that systematically implement the adopted policies of the General Plan and that the City carries out mitigation measures or approves future projects that mitigate the identified impacts whenever it is feasible to do so; and

WHEREAS, to provide more meaningful public disclosure, reduce the time and cost required to prepare the EIR, and focus discussion on potentially significant effects on the environment, the City focused the discussion in the EIR on: Air Quality; Cultural Resources; Greenhouse Gas Emissions; Noise; Transportation; and Water Supply; and;

WHEREAS, the EIR has identified economic, social, and other conditions that make it infeasible to mitigate one or more significant effects on the environment within the Downtown Riverbank area created by the policies of the Downtown Riverbank Specific Plan or other programs that systematically implement the adopted policies of the General Plan, the policies may nonetheless be carried out or future projects approved at the discretion of the City if such action is otherwise permissible under applicable laws and regulations; and

WHEREAS, the EIR identified the following significant and unavoidable impacts created the Downtown Riverbank Specific Plan or other programs that systematically implement the adopted policies of the General Plan: Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors; Cause a Substantial Adverse Change in the Significance of an Historic Resource; Generation of Construction-Related greenhouse gas (GHG) Emissions; Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise; Traffic Noise; Land Use Compatibility of On-site Sensitive Receptors with Future Railroad Noise Levels; and, Increased Traffic Volumes for SR 108 Roadway Segments; and

WHEREAS, the EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected from the expected impacts of the build-out of the Downtown area; and

WHEREAS, the intention of the EIR is to inform other governmental agencies and the public of the environmental impact of the build-out of the Downtown area; and

WHEREAS, the EIR is intended to demonstrate to an engaged citizenry that the City of Riverbank has, in fact, analyzed, considered, and addressed the environmental implications of the build-out of the Downtown area; and

WHEREAS, the EIR process has enabled the public to weigh the environmental, social, and economic repercussions associated with the build-out of the Downtown area and allowed the City Council and Planning Commission to express their values on the nostalgic Downtown area thus allowing for appropriate action come election day should a majority of the voters disagree; and

WHEREAS, the EIR is intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the build-out of the Downtown area and associated goals, objectives and policies of the adopted General Plan; and

WHEREAS, the purpose of the EIR is not to generate paper, but to compel the City to make decisions regarding the build-out of the Downtown area with environmental consequences in mind; and

WHEREAS, the City of Riverbank must consider the whole of an action, not simply its constituent parts, when determining whether the build-out of the Downtown in accordance with the Downtown Specific Plan or other policies that provide for the systematic implementation of the adopted General Plan within the downtown area will have a significant environmental effect; and

WHEREAS, the EIR may not be technically perfect, but it is adequate, complete, and a good-faith effort at full disclosure of the impacts associated with the Downtown Specific Plan or other policies that provide for the systematic implementation of General Plan policies on the nostalgic Downtown area; and

WHEREAS, the EIR is intended to require that future decisions regarding the Downtown area are informed and balanced and that the process was not subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement within the Downtown area; and

WHEREAS, the information developed in this EIR is intended to be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent EIR's, negative declarations and/or make subsequent or supplemental environmental determinations; and

WHEREAS, it is the intent of the EIR, the competitive bidding for the preparation thereof, the mitigation measures developed within and the monitoring program to be implemented is that all employees, officers and agents of the City of Riverbank involved in the environmental review process are responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial,

governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment; and

WHEREAS, no new significant information or change in the environment has been added or taken place as to effect the evaluation of impacts contained in the Downtown Specific Plan Environmental Impact Report after the required posting for the certification of this Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby declares the above recitals are true and correct; that based upon the testimony and information presented at the hearing, including the Environmental Impact Report and all evidence in the whole record pertaining to this matter, the City Council finds that the Environmental Impact Report has been prepared pursuant to the California Environmental Quality Act and that the document reflects the independent judgment of the City Council of the City of Riverbank, and is hereby certified in accordance with the California Environmental Quality Act; the complete Findings of Fact and Statement of Overriding Considerations for the Environmental Impact Report are hereby incorporated into this Resolution by reference and the adoption of these findings by the City Council; and this that Resolution is effective immediately upon adoption.

Therefore, Be It Further Resolved that the City Council of the City of Riverbank is holding judgment on the Downtown Riverbank Specific Plan until such time that said plan is brought forward at a future public hearing.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 11th day of March, 2013; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachments: Findings of Fact and Statement of Overriding Considerations for the Environmental Impact Report

**CEQA Findings of Fact and
Statement of Overriding Considerations
of the City of Riverbank for the
Implementation of the 2005-2025 General Plan for
Downtown Riverbank
Environmental Impact Report**

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Exhibits

- A Summary of Impacts and Mitigation Measures
- B Mitigation Monitoring and Reporting Program

ABBREVIATIONS AND ACRONYMS

ARB	California Air Resources Board
BNSF	Burlington Northern Santa Fe
BPS	best performance standard
Authority	California High Speed Rail Authority
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
City	City of Riverbank
CRHR	California Register of Historical Resources
dBA	A-weighted decibels
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
FRA	Federal Railroad Administration
GHG	greenhouse gas
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HST	California High-Speed Train
IS	Initial Study
L_{dn}	day-night average noise level
LOS	level of service
MMRP	Mitigation Monitoring and Reporting Program
NOP	Notice of Preparation
NO_x	oxides of nitrogen
PM_{10}	particular matter less than or equal to 10 microns in diameter
ROG	reactive organic gasses
SJVAPCD	San Joaquin Valley Unified Air Pollution Control District
SR	State Route
TPY	tons per year
UPRR	Union Pacific Railroad

**CERTIFICATION OF THE IMPLEMENTATION OF THE 2005-2025 GENERAL PLAN FOR
DOWNTOWN RIVERBANK FINAL EIR;**

**ADOPTION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT,
MITIGATION MEASURES, MITIGATION MONITORING AND REPORTING, AND STATEMENT OF
OVERRIDING CONSIDERATIONS; AND**

**APPROVAL OF THE IMPLEMENTATION OF THE 2005-2025 GENERAL PLAN FOR DOWNTOWN
RIVERBANK**

I. CERTIFICATION OF THE FINAL EIR

The City of Riverbank (“City”), as lead agency pursuant to the California Environmental Quality Act (CEQA), has completed the final environmental impact report (EIR) for the Implementation of the 2005-2025 General Plan for Downtown Riverbank (“the project”) (State Clearinghouse No. 2010102004).

The findings in this document address EIR certification and City approval of the project. The project intends to guide long-term revitalization of Riverbank’s historic Downtown through infill, redevelopment, and adaptive reuse. The project includes a vision, revitalization strategies, development regulations, and implementation actions that are intended to attract and guide new investment, ensure that proposed development and/or redevelopment projects support the community’s goals for Downtown, and provide public investments to support development that is consistent with the goals of the General Plan.

On October 6, 2010, the City of Riverbank circulated an environmental initial study (IS) and issued a notice of preparation (NOP) of a draft EIR. The NOP was filed with the State Clearinghouse on October 6, 2010. The 30-day public comment period on the NOP ended on November 15, 2010. A scoping meeting was held in Riverbank on October 27, 2010. A draft EIR was released for public and agency review on February 2, 2011.

The draft EIR assesses the potential environmental effects of implementing the General Plan for Downtown Riverbank, identifies the means to eliminate or reduce potentially significant adverse impacts, and evaluates a reasonable range of alternatives. The draft EIR is hereby incorporated into this document in its entirety by reference.

The final EIR is comprised of the draft EIR, the verbal comments from the March 14, 2011 public hearing regarding the draft EIR, written responses to these verbal comments, the 10 comment letters on the draft EIR received by the City, written responses to these comments, and a section detailing the changes and revisions to the draft EIR text. The final EIR is hereby incorporated into this document in its entirety by reference.

The City of Riverbank City Council certifies that it has been presented with the final EIR and that it has reviewed and considered the information contained therein before making the following certifications and the findings in Section II and the approvals in Section III.

Pursuant to State CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the City Council certifies that the final EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council certifies the final EIR for the actions described in these findings and in the final EIR (i.e., implementation of the General Plan for Downtown Riverbank, as described).

The City Council further certifies that the final EIR reflects its independent judgment and analysis and that the information disclosed therein is accurate, adequate, and objective.

II. FINDINGS OF FACT

Having received, reviewed, and considered the final EIR and the whole administrative record of proceedings, the City Council hereby adopts the following Findings of Fact in compliance with CEQA and the State CEQA Guidelines:

- Part A: Findings regarding the environmental review process and the contents of the final EIR.
- Part B: Findings regarding the environmental impacts of the project and the mitigation measures for those impacts identified in the final EIR and adopted as conditions of approval.
- Part C: Findings regarding alternatives and the reasons that such alternatives are rejected or accepted.
- Part D: Statement of Overriding Considerations determining that the benefits of implementing the project outweigh the significant and unavoidable environmental impacts that will potentially result and therefore justify approval of the project despite such impacts.

The City Council certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the final EIR. The City Council adopts the Findings of Fact and the Statement of Overriding Considerations in Parts A through D for the approvals that are set forth in Section III, below.

A. Environmental Review Process

1. Development of the Project

The City of Riverbank initiated the proposed project to achieve the following objectives:

- ▶ Attract new investment Downtown, by providing entitled land ready for new residential land uses.
- ▶ As Downtown grows, protect and enhance existing residences, while attracting new residents.
- ▶ Add rental and for-sale housing Downtown that is affordable to empty-nesters, single people, and young families.
- ▶ Accommodate development of retail, offices, and services Downtown, including restaurants, banks, shops, boutiques, a pharmacy, and other complementary uses, by providing a market of day to day consumers associated with new residential development.
- ▶ Downtown buildings should accommodate a desirable mix of retail shops and restaurants on the ground floor, with professional offices and/or homes on upper stories.
- ▶ Community gatherings, cultural opportunities, and civic uses should be focused Downtown.
- ▶ Provide design standards for new buildings and plans to improve building facades that complement Downtown public improvements.
- ▶ Ensure pedestrian-friendly and inviting streetscapes by adding trees, benches, outdoor seating at restaurants, and making other improvements to improve pedestrian comfort, so that the Downtown is a consistent and coherent neighborhood.
- ▶ Provide the opportunity for residents to meet their daily needs traveling by bicycle, transit, and on foot, as well as by automobile.

- ▶ Downtown Riverbank should be a vibrant and active center of the community.

The land use objectives for the Cannery District, which is a portion of the project site, include:

- ▶ Create a desirable mix of land uses that attracts residents, visitors and employees to Downtown.
- ▶ Provide a range of housing types and densities to support Riverbank's growing community.
- ▶ Permit commercial development that creates a regional draw to increase the Downtown District's overall appeal and customer base. Focus Main Street Retail uses where they will activate a new Plaza.

2. Project Characteristics

The project includes strategies for revitalization, development regulations, and implementation actions to ensure that development and redevelopment in the Downtown area is consistent with the community's vision. The project seeks to reclaim Downtown as the social and cultural heart of the community, fulfilling goals of the 2005-2025 Riverbank General Plan.

The first section of the project lays out the community's vision for Downtown Riverbank by discussing a series of "strategies" for revitalizing Downtown. These strategies emphasize the need to accommodate a variety of activities and residences Downtown to add vibrancy to this area. The City's overall approach to development, land use, public investment, parking, transportation, arts and culture, marketing and business recruitment, and public assistance for the project site is outlined in these strategies. Essentially this first part was the result of the workshops associated with the then design guidelines.

The second section of the project is the Regulating Code. This code provides development standards and design guidelines for projects proposed within the project site (and for projects proposing substantial change to existing structures). A form-based approach is used for regulating development. This approach focuses less on land use and more on building placement, building form, and the public realm. The Regulating Code provides guidance on the site and architectural review process, exceptions to the code, how to address nonconforming uses, and the relationship between the project and the City's Municipal Code. "District Zones" are established by the Regulating Code and include:¹

- ▶ **Downtown Core.** The Downtown Core is the most urban and most vibrant downtown district. Commercial block buildings built to the back of the sidewalk have ground floor activity-generating uses in shopfronts and a mix of uses on upper floors. Parking is provided on-street and in shared parking lots located behind buildings.
- ▶ **Downtown General.** Extending from the Downtown Core south to Patterson Road and west to the railroad, the Downtown General contains buildings having a mix of retail, workplace, and residential uses. Building types, land uses, and site design create a highly pedestrian-friendly environment forming a gateway to the Downtown Core.
- ▶ **Mixed-Use Neighborhood.** Comprised primarily of residential and workplace uses, the Mixed-Use Neighborhood encourages new investment to create an urban neighborhood in the Downtown District. Redevelopment of the District's many opportunity sites will add new investment that complements existing residences and businesses. Buildings are setback slightly from neighborhood streets, and new landscapes and open spaces support pedestrian activity.
- ▶ **Downtown Boulevard.** A mix of uses in boulevard-scale buildings creates an attractive and welcoming edge to the Downtown District. Streetscape designs are supportive of new investment and create a pedestrian- and

¹ See the project, starting on page 2:4.

bicycle-friendly environment. Commercial, workplace, and residential uses are ‘on-display’ along the city’s primary automobile thoroughfares.

- ▶ **Downtown Neighborhood.** The Downtown Neighborhood District is home to much of Downtown’s residential fabric. Regulations for site development are intended to preserve and enhance residential character, while encouraging new residential development in support of the community’s overall vision.
- ▶ **Cannery District.** The Cannery District comprises approximately 31 acres west of the BNSF Railroad that were formerly occupied by the Sun Garden-Gangi Canning Company. The code allows for a flexible approach to redevelopment of the site in support of overall Downtown revitalization.

Finally, Section 3 of the project has information on certain aspects of implementation of the Project. Some needed capital improvements are described, along with information on financing, infrastructure, and environmental review. Streetscape design guidelines are presented for Atchison Street and Patterson Road and for neighborhood streets throughout the project site. The project describes a railroad underpass to be constructed in the alignment of Santa Fe Street. Signage is discussed for key entry points into the project site in Section 3.2.3 of the project.

3. Preparation of the EIR

On October 6, 2010, the City of Riverbank issued an NOP announcing the intended preparation of the draft EIR and describing its proposed scope. The City received five comment letters that were used to assist in developing the scope of inquiry for the draft EIR. The City held a public scoping meeting on October 27, 2010 in Riverbank to provide an opportunity for interested parties to learn about the proposed project and provide input on the scope of the EIR. Comment cards and copies of project documents were made available to the public, and a map of the project area was displayed. The public scoping meeting was concluded following discussion of the project among Environmental Review Committee members, as well as comments and questions from members of the public.

On February 2, 2011, the City made the draft EIR available to public agencies and interested parties for review and comment. A notice of availability was published and the period for receipt of comments on the draft Preliminary EIR remained open for 45 days, until close of business on March 18, 2011. Notices of a public hearing on the draft EIR were published in the Riverbank News (local general circulation newspaper). A public hearing was held on Monday, March 14, 2011, in Riverbank to receive written or oral comments on the draft EIR. Members of the public came forth to speak during the public hearing and the City has provided written responses to these comments, as well as written comments, as a part of the final EIR.

The City Council finds and determines that there were no comments raising significant environmental issues received on the draft EIR.

The final EIR was completed and made available for review by public agencies and members of the public in December of 2011. The City Council finds and determines that there were no comments raising significant environmental issues received on the final EIR.

4. Absence of Significant New Information

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after the public receives notice of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. Recirculation is not required where new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. Pursuant to State CEQA Guideline Section 15088.5, recirculation is required if the final EIR results in any of the following conclusions:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The City Council recognizes that the final EIR incorporates new sections documenting comments and responses related to the draft EIR and revisions to the draft EIR. The City Council finds that these changes are minor, are not substantive, and do not trigger any requirement for recirculation of the draft EIR.

Specifically, the City Council finds that the additional information included in the final EIR, including the changes described above, does not meet the thresholds identified in Section 15088.5 of the State CEQA Guidelines for recirculating an EIR.

B. Impacts and Mitigation Measures

These findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the project and the mitigation measures proposed by the final EIR and adopted by the City Council as conditions of approval for the project.

The significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the project. The City Council finds that the determination of significance thresholds is a judgment decision within the discretion of the City Council. The City Council finds that significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff.

Table 1-1 of the draft and final EIR (Exhibit A), which is attached to these findings and incorporated herein by reference, provides a summary of the environmental determinations of the final EIR regarding the significance of the project's environmental impacts before and after mitigation.

Exhibit A does not attempt to describe the full analysis of each environmental impact contained in the final EIR. Instead, Exhibit A provides a summary of each impact and a description of the applicable mitigation measures identified in the final EIR and adopted by the City Council and states the City Council's findings on the significance of each impact after the adopted mitigation measures are imposed. A full explanation of these environmental findings and conclusions can be found in the final EIR. These findings hereby incorporate by reference the discussion and analysis in the final EIR supporting the final EIR's determinations regarding the project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates the analysis and explanation in the final EIR. The City Council also ratifies, adopts, and incorporates in these findings the determinations and conclusions of the final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

1. The City Council's Adoption of Mitigation Measures

The City Council adopts and incorporates as conditions of approval of the project the mitigation measures set forth in the mitigation monitoring and reporting program attached to these findings (Exhibit B) to reduce or avoid

the potentially significant and significant impacts of the project. In adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures recommended for approval by the final EIR. Accordingly, in the event a mitigation measure recommended in the final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the final EIR due to a clerical error, the language of the mitigation measure as set forth in the final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

2. The City Council's Findings Relating to Significant Impacts

State CEQA Guidelines Section 15091(a) requires that the lead agency to make a finding for each significant or potentially significant impact. Exhibit A summarizes the environmental determinations of the final EIR and identifies the significance of the project's environmental impacts before and after mitigation.

a. Potentially Significant Impacts for which Mitigation Has Been Incorporated to Lessen the Significance to Less-Than-Significant Levels

The following impacts were identified in the EIR as potentially significant prior to mitigation and less than significant after mitigation:

4.2-2: Cause Damage to or Destruction of a Significant Prehistoric or Early Historic-era Archaeological Resource.	4.5-5: Unacceptable Operations at the Intersection of Patterson Road and 1st Street.
4.2-3: Subsurface Disturbances Could Potentially Uncover Unmarked Historic-Era and Prehistoric Native American Burials.	4.5-6: Unacceptable Operations at the Intersection of Patterson Road and 3rd Street.
4.4-2: Increases in Ambient Noise Levels.	4.5-7: Unacceptable Operations at the Intersection of Patterson Road and 8th Street During the A.M. Peak Hour.
4.4-4: Increases in Vibration Levels.	4.5-8: Worsening of Unacceptable Operations at the Intersection of Atchison Street (SR 108) and Claus Road.
4.5-1: Unacceptable Operations at the Intersection of State Route (SR) 108 (Callander Avenue) and Santa Fe Street.	4.5-9: Need for Left-Turn Channelization at Claus Road and Santa Fe Street, Patterson Road and Roselle Avenue, and Santa Fe Street and 1st Street.
4.5-2: Unacceptable Operations at the Intersection of SR 108 (Callander Avenue) and Patterson Road.	4.5-11: Increased Traffic Volumes on Patterson Road between Roselle Road and 1st Street.
4.5-3: Unacceptable Operations at the Intersection of Patterson Road and Roselle Avenue.	4.5-12: Increased Traffic Volumes on 1st Street north of Atchison Street (SR 108).
4.5-4: Unacceptable Operations at the Intersection of Santa Fe Street and 1st Street.	4.5-13: Increased Traffic Volumes on Patterson Road east of 1st Street to Terminal Avenue.
4.5-14: Increased Traffic Volumes and Safety at the BNSF Railroad Crossings.	4.5-20: Increased Traffic Volume at the Intersection of SR 108 (Callander Avenue) and Patterson Road under Cumulative Conditions.
4.5-15: Conflicts between Automobiles and	5-21: Worsen Unacceptable Conditions at the Intersection of

Pedestrians.

4.5-17: Increase in Traffic Volumes under Cumulative Conditions on SR 108 would exceed the City's level of service (LOS) D Policy.

4.5-18: Increase in Traffic Volumes under Cumulative Conditions on 1st Street would exceed the City's LOS D Policy.

4.5-19: Increased Traffic Volume at Intersection of SR 108 and Santa Fe Street under Cumulative Conditions.

Patterson Road and 3rd Street under Cumulative Conditions.

4.5-22: Increased Traffic Volume at the Intersection of Patterson Road and 8th Street under Cumulative Conditions.

4.5-23: Increased Traffic Volume at the Intersection of Claus Road and Santa Fe Street under Cumulative Conditions.

4.5-24: Traffic Volumes and Safety at the BNSF Railroad Crossings under Cumulative Conditions.

For each of the above impacts, mitigation has been identified that that would lessen the significance to a less-than-significant level. Regarding these impacts, the City Council finds that changes have been required in, or incorporated into, the project, as described in the final EIR and summarized in Exhibit A, that avoid or substantially lessen the significant environmental effects to less-than-significant levels.

b. Significant and Unavoidable Impacts

As discussed in Exhibit A, the City Council has found that the following impacts of the project remain significant following adoption and implementation of the mitigation measures described in the final EIR:

- ▶ Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors;
- ▶ Cause a Substantial Adverse Change in the Significance of an Historic Resource;
- ▶ Generation of Construction-Related greenhouse gas (GHG) Emissions;
- ▶ Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise;
- ▶ Traffic Noise;
- ▶ Land Use Compatibility of On-site Sensitive Receptors with Future Railroad Noise Levels; and,
- ▶ Increased Traffic Volumes for SR 108 Roadway Segments.

Findings for each of these impacts are discussed below.

IMPACT 4.1-3	Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors. <i>Long-term operation-related activities would result in emissions of ROG and NO_x that exceed SJVAPCD's significance threshold of 10 TPY. Thus, operation-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations, especially considering the nonattainment status of Stanislaus County. This impact is considered significant.</i>
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Mitigation

Mitigation Measure 4.1-3: Require Implementation of SJVAPCD On-Site Mitigation Measures for Development Projects

The City shall require each project applicant, as a condition of project approval, to design of all development projects to include feasible on-site mitigation measures for development projects as recommended by SJVAPCD. An example of a mitigation measure would be to provide bicycle parking and storage facilities, such as indicated by Policy AIR-1.7 of the project. As mentioned above, the project includes a number of policies that are consistent with the on-site mitigation measures recommended by the SJVAPCD. Compliance with SJVAPCD Rule 9510 and Regulation VIII for operational emissions, as required by law, would result in a minimum 33% reduction in NO_x emissions and a 50% reduction in PM₁₀ emissions, according to estimates provided by

SJVAPCD. The City will provide the SJVAPCD with contact information for project proponents to facilitate communication related to Rule 9510.

Finding

Implementation of the above mitigation measure, in addition to compliance with Rule 9510 and the 2025 General Plan policies and actions, would reduce operational emissions of ROG, NO_x, and PM₁₀. Despite the incorporation of all feasible mitigation, the City cannot demonstrate that impacts would be reduced to a less-than-significant level. This impact is considered **significant and unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development consistent with the project's Project Objectives and consistent with the General Plan goals and policies related to Downtown revitalization without generating emissions of criteria air pollutants and precursors. The project's objectives include orderly development and redevelopment of Riverbank's Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without generating emissions of criteria air pollutants and precursors, complete mitigation is infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

IMPACT 4.2-1 **Cause a Substantial Adverse Change in the Significance of an Historic Resource.** *Implementation of the project would involve demolition of buildings on the former cannery site (called the Cannery District in the project), which contains buildings that could represent resources. Given the age and number of resources in the Cannery District it is possible that some are historically significant. The rest of the project also contains structures that are 45 years old or older. The effect on architectural resources is considered **potentially significant**.*

Mitigation

Mitigation Measure 4.2-1a: Conduct Historic Inventory and Evaluation Architectural Resources

- ▶ As part of the future project-level analysis conducted prior to construction activities, the City will require project applicant/s to conduct an inventory and California Register of Historical Resources (CRHR) evaluation for architectural resources for the former cannery site. The inventory and evaluation will be prepared by a qualified architectural historian and will include conducting an intensive field survey, background research on the history of the area, and property-specific research.
- ▶ Based on this research, the significance of architectural resources will be evaluated by the architectural historian using criteria for listing in the CRHR.
- ▶ If any on-site historic resources are determined to be significant, the City will encourage the project applicant to incorporate such significant resources into the project in a manner that preserves the historic integrity.
- ▶ If avoidance of a significant architectural resource is not feasible, the City will ensure that Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation is completed. The HABS and HAER are programs to formally document historic resources through the use of large-format photography, measured drawings, written architectural descriptions, and historical narratives. Such documentation packages are entered into the Library of Congress, and a second copy generally is archived in the regional information centers of the California Historical Resources Information System (CHRIS).

Finding

Implementation of Mitigation Measure 4.2-1 would reduce the likelihood of a significant impact by requiring an evaluation of buildings for their historic significance and incorporating any significant resources into project design. However, it is not possible at this time to determine whether the incorporation of significant historic resources into the mixed-use project on the former cannery site would be feasible. Despite the incorporation of the all feasible mitigation, the City cannot demonstrate that impacts would be reduced to a less-than-significant level. The impact is considered **significant and unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development without the potential to cause an adverse change to historic resources. The project's objectives include orderly development and redevelopment of Riverbank's Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without creating the potential to cause adverse changes to historic resources, complete mitigation is infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

IMPACT 4.3-1 **Generation of Construction-Related GHG Emissions.** *Construction associated with development that could occur under the project would result in increased generation of GHG emissions. As a result, this impact is considered **cumulatively considerable** and **potentially significant**.*

Mitigation

Mitigation Measure 4.3-1: Construction-Generated GHG Emissions.

Applicants for development projects permitted under the project shall implement feasible measures for reducing GHG emissions associated with construction including, but not limited to the following:

- ▶ Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet; using local building materials of at least 10 percent;
- ▶ Use locally sourced or recycled materials for construction materials (with a goal of at least 10% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials); and
- ▶ Recycle or reuse at least 50 percent of construction waste or demolition materials.

Finding

In addition to the above-recommended measures, construction activity will be required to comply with all applicable rules and regulations enforced by SJVAPCD and California Air Resources Board (ARB) at the time development projects under the project are proposed. Implementation of Mitigation Measure 4.3-1 would reduce construction-related GHG emissions. However, the City cannot demonstrate at this time that the incorporation of this mitigation would reduce impacts to a less-than-significant level. This cumulative impact is considered **significant unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development without generating construction-related GHG emissions. The project's objectives include orderly development and redevelopment of Riverbank's downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without generating construction-related GHG emissions, complete mitigation is facially infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

IMPACT 4.4-1 **Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise.** *Short-term construction source noise levels could exceed the applicable City standards at nearby noise-sensitive receptors. In addition, if construction activities were to occur during more noise-sensitive hours, construction source noise levels could also result in annoyance and/or sleep disruption to occupants of existing and proposed noise-sensitive land uses and create a substantial temporary increase in ambient noise levels. This impact is considered **potentially significant**.*

Mitigation (in the form of project policy language)

Construction Noise

- ▶ Construction activities shall be prohibited between the hours of 6:30 p.m. and 6:00 a.m. on weekdays and between 5:00 p.m. and 8:00 a.m. on weekends and legal holidays.
- ▶ Project applicants and contractors shall ensure that all construction equipment is equipped with noise-reduction devices, such as mufflers to minimize construction noise, and that all internal combustion engines are equipped with exhaust and intake silencers, in accordance with manufacturers' specifications.
- ▶ Electric construction equipment shall be used for construction activities occurring adjacent noise-sensitive uses to the greatest extent feasible.
- ▶ Temporary noise barriers around construction sites and temporary barriers around noisy stationary construction equipment (generators, compressors, etc.) shall be used in construction of projects located adjacent to noise-sensitive land uses to the greatest extent feasible.

Finding

The project requires that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications. The above policy also requires that construction activities avoid more noise-sensitive times of day and that all feasible noise mitigation is incorporated into construction projects implemented under the project. City policy and existing ordinances would reduce construction noise impacts. Despite the incorporation of all feasible mitigation in the form of policy, the City cannot demonstrate that impacts would be reduced to a less-than-significant level. The impact is considered **significant and unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development without generating construction-related noise. The project's objectives include development and redevelopment of Riverbank's Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without generating construction-related noise, complete mitigation is facially infeasible.

IMPACT 4.4-3 **Traffic Noise.** *Future development of new noise-sensitive land uses would occur under the project in areas that are either currently affected by noise from transportation noise sources or will be in the future. Increases in traffic attributable to project development would also affect existing noise-sensitive land uses. The impact is considered **significant**.*

Mitigation (in the form of project policy language)

Traffic Noise

- ▶ Project applicant(s) of projects that propose noise-sensitive land uses in areas affected by traffic noise in excess of City standards shall incorporate feasible measures to reduce interior and exterior noise to meet the City's noise standards.
- ▶ Exterior noise levels for noise-sensitive land uses shall use all feasible mitigation to achieve a noise level of 60 dB day-night average noise level (L_{dn}) as measured at outdoor activity areas (such as yards, common play areas, and other areas intended for gathering and recreation etc.) through the use of shielding with proposed buildings, site design, or other means. Where it is not possible to reduce noise in outdoor activity areas of proposed noise-sensitive uses to 60 dB L_{dn} or less using practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB L_{dn} may be allowed.
- ▶ Interior noise levels for noise-sensitive uses shall be mitigated according to City standards through acoustical glazing (thicker glass or increased air space between panes) in frames with low air infiltration rates, using fixed (nonmovable) acoustical glazing, increasing wall mass (using stucco or brick in lieu of wood siding), isolating wall members by the use of double or staggered stud walls, mounting interior walls on resilient channels, reducing door area, using solid-core doors, acoustically sealing door perimeters with suitable gaskets, roof treatments, and/or other feasible and effective means.
- ▶ If future projects could result in potentially significant impacts, the City may require the preparation of an acoustical analysis to study noise mitigation strategies.

Finding

Implementation of the above policy would assure that feasible measures are implemented to reduce the level of impact on future sensitive receptors. The incorporation of these policies would reduce both exterior and interior noise levels according to City standards. While all available and feasible mitigation in the form of City policy has been identified to reduce this impact, there are existing noise sources affecting portions of the project site that could still affect outdoor gathering areas associated with noise sensitive uses.

Traffic noise increases would also affect existing noise-sensitive land uses along roadways affected by project traffic. This is an unavoidable result of development both in the region and within the project site. Despite incorporation of all feasible mitigation, the City cannot demonstrate that impacts would be reduced to a less-than-significant level. The impact is considered **significant and unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development without generating traffic noise. The project's objectives include development and redevelopment of Riverbank's Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without generating traffic noise, complete mitigation is facially infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

IMPACT 4.4-5 Land Use Compatibility of On-site Sensitive Receptors with Future Railroad Noise Levels.

4.4-5 *Implementation of the proposed project would result in locating new noise-sensitive land uses within 60 A-weighted decibels (dBA) L_{dn} railroad noise contours. Therefore, this impact is considered **potentially significant**.*

Mitigation (in the form of project policy language)

Train Noise

- ▶ The City will coordinate with Burlington Northern Santa Fe Railroad to have installed directional warning devices at Riverbank railroad crossings that, compared to whistles mounted on trains, would reduce noise in noise sensitive areas of the community.
- ▶ The City will coordinate with the Burlington Northern Santa Fe Railroad to reduce or eliminate the use of horns in noise sensitive areas of the community with the installation of alternative sounding devices. These improvements will be reflected in Capital Improvements Programming.

Findings

Implementation of the above policy requirement and policy requirements identified under the heading “Traffic Noise” would ensure that all feasible measures are implemented to reduce the level of noise impact from railroad operations on future noise-sensitive land uses that could be accommodated by the project in areas near the existing railroad line. While all available and feasible mitigation in the form of City policy has been identified to reduce this impact, there are existing noise sources affecting portions of the project site that could still affect outdoor gathering areas associated with proposed noise sensitive uses. Despite the incorporation of the feasible mitigation, the City cannot demonstrate that impacts would be reduced to a less-than-significant level. Therefore, the impact is considered **significant and unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development in the project site without some potential for conflict with existing railroad noise. The project’s objectives include orderly development and redevelopment of Riverbank’s Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without some potential for conflict with existing railroad noise, complete mitigation is facially infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

IMPACT	Increased Traffic Volumes for SR 108 Roadway Segments. <i>Implementation of the project would add traffic to SR 108 and would exacerbate the LOS F conditions already identified for the two-lane portion of SR 108 (Patterson Road) west of the Callander Avenue intersection, for the two-lane portion of SR 108 (Callander Avenue) north of Patterson Road to Atchison Street, for the two- lane portion of SR 108 (Atchison Street) from 1st Street to 8th Street and for SR 108 east of Claus Road. This impact is considered potentially significant.</i>
4.5-10	

Mitigation

Mitigation Measure 4.5-10: Contribute Fair Share toward the Cost of Widening Callander Avenue

- ▶ Projects shall contribute on a fair-share basis to the cost of widening Callander Avenue to four lanes by improving the frontage of parcels along SR 108 to accommodate two through travel lanes in each direction.
- ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.

Findings

With this mitigation, project impacts would be avoided for the Callander Avenue portion of SR 108. However, LOS would be unacceptable east of 1st Street, and widening of the highway in this location is not considered

feasible, since it would conflict with the General Plan and the objectives of the project. Despite the incorporation of all feasible mitigation, the City cannot demonstrate that impacts would be reduced to a less-than-significant level. The impact is considered **significant and unavoidable**.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development in the project site without some potential for increased traffic. The project's objectives include development and redevelopment of Riverbank's Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without some potential for increased traffic, complete mitigation is facially infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

C. Findings Related to Cumulative Impacts

In addition to the direct and indirect significant impacts caused by the project, the City Council finds that implementation of the project will result in the following significant and unavoidable cumulative impacts

Air Quality

Regional area- and mobile-source emissions of ROG, NO_x, and PM₁₀ attributable to project land uses would combine with past, present, and future developments to adversely affect air quality in the region. Based on the modeling conducted, operational activities would result in emissions of ROG, NO_x, and PM₁₀ that exceed SJVAPCD's applicable thresholds of 10 and 15 TPY in the interim year of 2020. The City cannot show that mitigation would reduce impacts to a less-than-significant level, despite the incorporation of all feasible mitigation. The impact is cumulatively considerable and significant and unavoidable.

Implementation of the above mitigation measure, in addition to compliance with Rule 9510 and the 2025 General Plan policies and actions, would reduce operational emissions of ROG, NO_x, and PM₁₀. There is no feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development consistent with the project's Project Objectives and consistent with the General Plan goals and policies related to Downtown revitalization without generating emissions of criteria air pollutants and precursors. The project's objectives include development and redevelopment of Riverbank's Downtown area. Therefore, complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without generating emissions of criteria air pollutants and precursors, complete mitigation is infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

Greenhouse Gas Emissions

Please see previously described Impact 4.3-1. The treatment of greenhouse gas emissions is cumulative.

Noise and Vibration

Implementation of the project would allow new development and redevelopment within the project site. Such development would generate additional traffic, which would increase ambient noise levels at existing land uses along roadways. Noise levels for roadway segments affected by project traffic, when combined with past, present, and future development may exceed the transportation noise level limits established by the City of Riverbank. This is a significant cumulative impact. Since the project would be part of an overall exceedance of transportation noise level limits, the City considers this to be cumulatively considerable contribution to the cumulatively

significant impact related to traffic noise. The City has incorporated all feasible mitigation in the form of City policy and this impact is considered significant and unavoidable.

Implementation of mitigation in the form of City policy identified in the EIR would assure that feasible measures are implemented to reduce the level of impact on future sensitive receptors. This would reduce both exterior and interior noise levels according to City standards. While all available and feasible mitigation in the form of City policy has been identified to reduce this impact, existing noise sources could still affect outdoor gathering areas associated with noise sensitive uses.

No feasible mitigation beyond that included above is available to reduce this impact because it is technically infeasible to allow development without generating traffic noise. The project's objectives include development and redevelopment of Riverbank's Downtown area. Complete mitigation is not possible while still allowing implementation of the project. Thus, because it is impossible to develop the project site without generating traffic noise, complete mitigation is infeasible.

As is fully explained in the Statement of Overriding Considerations in Section E, the environmental, economic, social, and other benefits of the project outweigh and override the significant impacts.

Transportation and Traffic

Please see previous description of Impacts 4.5-17, 4.5-18, 4.5-19, 4.5-20, 4.5-22, 4.5-23, and 4.5-24, which address cumulative impacts.

D. Basis for City Council's Decision to Approve the Proposed Project Rather Than An Alternative to the Proposed Project

1. Summary of Discussion of Alternatives in the Final EIR

The final EIR evaluates a reasonable range of potential alternatives to the project. The EIR examines the environmental impacts of each alternative in comparison with the project and the relative ability of each alternative to satisfy the major project objectives. The EIR also compares the environmental impacts of the project to those of each of the alternatives.

The EIR also summarizes the criteria used to identify a reasonable range of alternatives for review in the EIR and describes alternatives that the City concluded did not warrant additional, more-detailed review.

2. The City Council's Findings Relating to Alternatives

In making these findings, the City Council certifies that it has independently reviewed and considered the information on alternatives provided in the final EIR. The final EIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the final EIR is incorporated in these findings by reference.

The final EIR describes and evaluates four alternatives to the proposed project:

- Alternative 1—No Project/Existing General Plan;
- Alternative 2—Transportation Noise;
- Alternative 3—Lower Density; and
- Alternative 4—High-Speed Train Station.

Each alternative offers one or more environmental advantages in comparison with the project by reducing or eliminating a potentially significant environmental impact. The alternatives differ in degree to which they meet

the major objectives of the project and in some cases have different or additional environmental impacts compared to the project.

As set forth in Section B above, the City Council has adopted mitigation measures that mitigate the significant environmental effects of the project. As explained in Section D of these findings, while these mitigation measures will not mitigate all project impacts to a less-than-significant level, they will mitigate those impacts to a level that the City Council finds acceptable relative to competing environmental, economic, and social objectives.

The City Council finds that Alternative 1—No Project/Existing General Plan is the environmentally superior alternative. The City Council also finds that none of the alternatives, including Alternative 1, can satisfy the major objectives of the project to the same degree as the project. Other than the no project alternative, Alternative 3 is considered an environmentally superior alternative. Because none of the alternatives that were evaluated would satisfy the project's objectives to the same degree as the project, the City Council further finds that none of the alternatives has environmental advantages over the project that are sufficiently greater to justify approval of an alternative instead of the proposed project. Accordingly, the City Council has determined to approve the project instead of approving one of the alternatives.

In making this determination, the City Council finds that when compared to the other alternatives described and evaluated in the final EIR, the project, as mitigated, provides a reasonable balance between fully satisfying the project objectives and reducing potential environmental impacts to an acceptable level. The City Council further finds and determines that the project should be approved, rather than one of the other alternatives, for the following reasons.

a. Description of Project Objectives

The City of Riverbank has initiated the proposed project to achieve the following objectives:

- ▶ Attract new investment Downtown, by providing entitled land ready for new residential land uses.
- ▶ As Downtown grows, protect and enhance existing residences, while attracting new residents.
- ▶ Add rental and for-sale housing Downtown that is affordable to empty-nesters, single people, and young families.
- ▶ Accommodate development of retail, offices, and services Downtown, including restaurants, banks, shops, boutiques, a pharmacy, and other complementary uses, by providing a market of day to day consumers associated with new residential development.
- ▶ Downtown buildings should accommodate a desirable mix of retail shops and restaurants on the ground floor, with professional offices and/or homes on upper stories.
- ▶ Community gatherings, cultural opportunities, and civic uses should be focused Downtown.
- ▶ Provide design standards for new buildings and programs to improve building facades that complement Downtown public improvements.
- ▶ Ensure pedestrian-friendly and inviting streetscapes by adding trees, benches, outdoor seating at restaurants, and making other improvements to improve pedestrian comfort, so that the Downtown is a consistent and coherent neighborhood.
- ▶ Provide the opportunity for residents to meet their daily needs traveling by bicycle, transit, and on foot, as well as by automobile.
- ▶ Downtown Riverbank should be a vibrant and active center of the community.

The land use objectives for the Cannery District include:

- ▶ Create a desirable mix of land uses that attracts residents, visitors and employees to Downtown.
- ▶ Provide a range of housing types and densities to support Riverbank’s growing community.
- ▶ Permit commercial development that creates a regional draw to increase the Downtown District’s overall appeal and customer base. Focus Main Street Retail uses where they will activate a new Plaza.

b. Discussion and Findings Relating to the Alternatives Evaluated in the Draft EIR

Alternative 1—No Project/Existing General Plan. CEQA Guidelines Section 15126.6(e)(2) states that a discussion of the “No Project” alternative must consider “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans.” This alternative considers potential impacts if the project was not approved, and development proceeded based on the adopted City of Riverbank General Plan.

This alternative would accommodate the development of an additional 490 dwelling units within the project site and 226,850 square feet of non-residential building area. Compared to the project, this alternative would result in 395 fewer residential units and a reduction in nonresidential square footage of 308,146 square feet (Table 5-1). The No Project alternative would accommodate reduced levels of employment and residents, compared to the project. Implementation of Alternative 1 would reduce the amount of recreational facilities available in the Downtown area, in addition to a substantial reduction in availability of retail and commercial services (as compared to the project). The General Plan envisioned somewhat more office building space within the project site, when compared to the project.

Finding: This alternative would result in lesser impacts across all environmental topics examined in the EIR as compared to the proposed project. It would reduce but not eliminate impacts because development in the project site would still occur, just not as much development as would be implemented under the project. This alternative would the project objectives, but not to the same extent as the project would.

Alternative 2—Traffic Noise. This alternative assumes the same residential and non-residential development potential as the project. Alternative 2, the Transportation Noise Alternative, would not allow new residences within the project site to be exposed to outdoor noise above 60 dB L_{dn} , which is the City’s maximum allowable noise exposure from transportation noise sources at noise-sensitive land uses (i.e., residential uses). Refer to Exhibit 4.4-2 in Section 4.4, “Noise,” of the DEIR for areas within the project site projected to be over the 60 dB L_{dn} noise contour. Based on the projected noise contours, the Transportation Noise Alternative would preclude new residential development within approximately 525 feet of State Route 108 and within approximately 340 feet from the Burlington Northern Santa Fe (BNSF) railroad line within the project site.

Finding: The Traffic Noise Alternative would result in lesser environmental impacts in the topic areas of air quality and noise (DEIR, page 5-17). All other topic area impacts would be similar to the project (DEIR, page 5-17). This alternative would meet the project objectives, but not to the same extent as the project would.

Alternative 3—Lower Density. In order to reduce traffic volumes to an acceptable level of service (LOS D or less), existing conditions plus proposed development within the project site would need to be reduced to 15,700 daily trips. Using the trip generation rates for proposed land uses within the project site (see Table 4.5-8 in Section 4.5, “Transportation and Traffic” of the DEIR), a reduction of about 24% percent of trips would need to be achieved. Using the daily rates per land use, proposed residential units and non-residential square footage were proportionally reduced. It is anticipated that this reduction in development capacity would also improve operating conditions at other roadway segments and intersections in the vicinity of the project site, as well. Alternative 3

would have approximately 280 fewer residential units and would also reduce the development of nonresidential square footage by approximately 161,996 square feet (approximately 30% reduction), compared to the project.

Finding: The Lower Density Alternative would result in lesser environmental impacts in five topic areas, but would result in greater impacts regarding global climate change (DEIR, page 5-17). This alternative would meet the project objectives, but not to the same extent as the project would.

Alternative 4—High-Speed Train Station. The California High Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) are in the process of preparing an Environmental Impact Statement (EIS) and EIR (EIS/EIR) for the California High-Speed Train (HST) Project from Merced to Sacramento. The EIS/EIR will evaluate a potential alignment along the Union Pacific Railroad (UPRR) track, which is about 7 miles southwest and 10 miles west of the project site, and another potential alignment along the BNSF track, which runs through the project site. The EIS/EIR will consider alternative station sites within the Merced to Sacramento segment, including the location for Stanislaus County in downtown Modesto.

Alternative 4 assumes the addition of a High-Speed Train Station at the 31-acre cannery site instead of the mix of urban uses, recreational uses, and the central plaza envisioned under the project. Under the High-Speed Train Station Alternative, the proposed land uses would remain the same except for the cannery site. Alternative 4 would have 507 fewer residential units (approximately 57% reduction) and would reduce nonresidential (retail and commercial services and office) square footage by approximately 100,400 square feet (approximately 19% reduction), compared to the project. However, construction on the train station site would add thousands of square feet of nonresidential land use. The building square footage of a train station is not knowable at this time. It is possible that a future train station, in addition to building square footage and acreage devoted to operations, could also include a small amount of building square footage devoted to commercial services and retail for the convenience of the passengers. The total difference in employment between Alternative 4 and the project would depend on the mix of uses developed in tandem with the future train station.

If this alternative is pursued by the Authority, FRA, and the City, it is possible that additional land may need to be acquired along the existing BNSF rail corridor and converted to transportation uses to accommodate rights-of-way for the station platform, facilities, and track under this alternative.

Under the High-Speed Train Alternative, the land uses identified the project would change significantly for the cannery site. The Regulating Code of the project would need to be modified to specify transit uses as an allowed use.

Finding: The High-Speed Train Station Alternative would lessen environmental impacts related to water supply, but would result in greater impacts to cultural resources and transportation and traffic (Draft EIR, page 5-17). This alternative would also meet most of the overall project objectives identified for the overall project, except protecting and enhancing existing residences. As discussed above, there is a potential for land acquisition including existing residential properties. Additionally, none of the three project objectives developed specifically for the cannery site would be achieved.

Summary of Findings Regarding Alternatives. For all of the foregoing reasons, the City Council has determined to approve the project instead of one of the alternatives to the project.

Findings Regarding Adequacy of Range of Alternatives. The City Council finds that the range of alternatives evaluated in the EIR reflects a reasonable consideration of various types of alternatives that would potentially be capable of reducing the project's environmental effects, while accomplishing most but not all of the project objectives. Upon full evaluation, some of the alternatives initially identified were found to be capable of reducing some of the environmental impacts of the project but would not achieve most of the project objectives or achieve them to the same extent as the project would. Only the project was found to be capable of fully achieving the project objectives. The City Council finds that the alternatives analysis is sufficient to inform the City Council and the public regarding the tradeoffs between the degree to which alternatives to the project could reduce

environmental impacts and the corresponding degree to which the alternatives would achieve the project objectives.

E. Statements of Overriding Considerations

1. Impacts That Remain Significant

As discussed in Section B, the City Council has found that the following impacts of the project remain significant following adoption and implementation of the mitigation measures described in the final EIR.

- ▶ Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors;
- ▶ Cause a Substantial Adverse Change in the Significance of an Historic Resource;
- ▶ Generation of Construction-Related GHG Emissions;
- ▶ Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise;
- ▶ Traffic Noise;
- ▶ Land Use Compatibility of On-site Sensitive Receptors with Future Railroad Noise Levels; and,
- ▶ Increased Traffic Volumes for SR 108 Roadway Segments.

2. Overriding Considerations Justifying Project Approval

In accordance with State CEQA Guidelines Section 15093, the City Council has, in determining whether or not to approve the project, balanced the economic, social, technological, and other project benefits against its unavoidable environmental consequences and finds that the benefits of the project set forth below outweigh the potentially significant and significant adverse environmental effects that are not mitigated to less-than-significant levels. This Statement of Overriding Considerations is based on the City Council's review of the final EIR and all other information in the administrative record.

Any one of the reasons for approval cited below is sufficient to justify approval of the project. Even if not every reason is supported, the City Council will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings and in the documents found in the Record of Proceedings, as defined in Section II.F.

The benefits of the proposed project are as follows:

a. General Plan Goals and Policies

The project would promote numerous goals and policies of the *City of Riverbank General Plan 2005–2025*. By providing a mix of single-family and multi-family residential dwelling units, the project promotes General Plan Goals LAND-2, LAND-3, and ED-10. By proposing an additional non-residential uses (commercial/retail, office, and sports complex) beyond what is designated in the project site under the General Plan, the project promotes General Plan Goals LAND-2, LAND-4, DESIGN-7, DESIGN-10, ED-2, and ED-8. The combination of residential and non-residential uses produce a mixed use are within the Downtown area, which will have several benefits related to revitalization of the Downtown area (Goal DESIGN-7), encouraging alternatives to vehicle use (Goals LAND-3, DESIGN-10, CIRC-1, and CIRC-2).

b. Job Creation

Implementation of the project would create approximately 1,025 new jobs within the project site. The creation of new job opportunities is essential to the economic development of Riverbank. Creating jobs also promotes Riverbank's overarching economic development goal of, among other things, creating jobs.

c. Downtown Revitalization

The City's General Plan identifies the project site and areas along Patterson Road as an "Infill Opportunity Area" where the City will "focus reinvestment, redevelopment, and revitalization efforts" (see the City's Land Use Element, starting on page 14 for more information). Implementation of the project would help meet the City's vision for the Downtown area.

F. Record of Proceedings

Various documents and other materials constitute the record upon which the City Council bases these findings and the approvals contained herein. The location and custodian of these documents and materials is Mr. J. D. Hightower, City of Riverbank, Development Services Director, 6707 Third Street, Riverbank, CA 95367.

G. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the State CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. The City Council hereby adopts the mitigation monitoring and reporting program for the project attached to these findings as Exhibit B.

H. Summary

1. Based on the foregoing findings and the information contained in the administrative record, the City Council has made one or more of the following findings regarding each of the significant environmental effects of the project identified in the final EIR:
 - a. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant and potentially significant environmental effects on the environment.
 - b. Those changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.
 - c. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.
2. Based on the foregoing findings and information contained in the record, it is hereby determined that:
 - a. All potentially significant and significant effects on the environment caused by approval of the project have been eliminated or substantially lessened where feasible.
 - b. Any remaining potentially significant and significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section II.D, above.

III. RESOLUTION OF APPROVAL

The City Council hereby takes the following actions and makes the following approvals in the order set forth below:

- A. The City Council hereby certifies the final EIR as discussed in Section I, above.
- B. The City Council hereby adopts as conditions of approval all mitigation measures within the responsibility and jurisdiction of the City of Riverbank set forth in Section II.B of the findings, above.

- C. The City Council hereby adopts the mitigation and monitoring program for the proposed project as discussed in Section II.G of the findings, above.
- D. The City Council hereby adopts these findings in their entirety as its findings for these actions and approvals.
- E. Having certified the final EIR, independently reviewed and analyzed the final EIR and the administrative record, incorporated mitigation measures, and adopted Findings of Fact and a Statement of Overriding Considerations, the City Council hereby approves the project.

EXHIBIT A

Summary of Impacts and Mitigation Measures

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.1 Air Quality			
4.1-1: Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors. Construction-related emissions associated with development of the proposed project would not exceed SJVAPCD's mass emission thresholds of significance for ROG, NO _x , or PM ₁₀ (10 tpy, 10 tpy, and 15 tpy, respectively). The impact is considered less than significant.	LTS	No mitigation is required.	LTS
4.1-2: Consistency with Air Quality Planning Efforts. Development anticipated under the project would be consistent with that allowed under the current General Plan and current air quality plans. This impact is considered less than significant.	LTS	No mitigation is required.	LTS
4.1-3: Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors. Long-term operation-related activities would result in emissions of ROG and NO _x that exceed SJVAPCD's significance threshold of 10 TPY. Thus, operation-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations, especially considering the nonattainment status of Stanislaus County. This impact is considered significant.	S	4.1-3: Require Implementation of SJVAPCD On-Site Mitigation Measures for Development Projects The City shall require each project applicant, as a condition of project approval, to design of all development projects to include feasible on-site mitigation measures for development projects as recommended by SJVAPCD. An example of a mitigation measure would be to provide bicycle parking and storage facilities, such as indicated by Policy AIR-1.7 of the project. As mentioned above, the project includes a number of policies that are consistent with the BPS recommended by the SJVAPCD. Compliance with SJVAPCD Rule 9510 and Regulation VIII for operational emissions, as required by law, would result in a minimum 33% reduction in NO _x emissions and a 50% reduction in PM ₁₀ emissions, according to estimates provided by SJVAPCD. The City will provide the SJVAPCD with contact information for project proponents to facilitate communication related to Rule 9510.	SU
4.1-4: Generation of Long-Term, Operational, Local Mobile-Source Emissions of CO. Local mobile-source emissions of CO would not be expected to result in or substantially contribute to	LTS	No mitigation is required.	LTS

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
emissions concentrations that exceed the 1-hour ambient air quality standard of 20 ppm or the 8-hour standard of 9 ppm. The impact is considered less than significant.			
4.1-5: Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants. Construction and operation of the proposed project could result in increased health risk levels associated with short- and long-term emissions of TACs. With the implementation of existing regulations and policy, the impact is considered less than significant.	LTS	No mitigation is required.	LTS
4.2 Cultural Resources			
4.2-1: Cause a Substantial Adverse Change in the Significance of an Historic Resource. Implementation of the project would involve demolition of buildings on the former cannery site (called the Cannery District in the project), which contains buildings that could represent resources. Given the age and number of resources in the Cannery District it is possible that some are historically significant. The rest of the project also contains structures that are 45 years old or older. The effect on architectural resources is considered potentially significant.	PS	4.2-1a: Conduct Historic Inventory and Evaluation Architectural Resources ▶ As part of the future project-level analysis conducted prior to construction activities, the City will require project applicant/s to conduct an inventory and CRHR evaluation for architectural resources for the former cannery site. The inventory and evaluation will be prepared by a qualified architectural historian and will include conducting an intensive field survey, background research on the history of the area, and property-specific research. ▶ Based on this research, the significance of architectural resources will be evaluated by the architectural historian using criteria for listing in the CRHR. ▶ If any on-site historic resources are determined to be significant, the City will encourage the project applicant to incorporate such significant resources into the project in a manner that preserves the historic integrity. ▶ If avoidance of a significant architectural resource is not feasible, the City will ensure that Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation is completed. The HABS and HAER are programs to formally document historic resources through the use of large-format photography, measured drawings, written architectural descriptions, and historical narratives.	SU

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		Such documentation packages are entered into the Library of Congress, and a second copy generally is archived in the regional information centers of the CHRIS.	
		4.2-1b: Avoid Impacts to Significant Architectural Resources in project site ▶ Project applicants outside the Cannery District that propose physical changes to structures of 45 years or older shall provide an inventory and CRHR evaluation of such structures. Based on this evaluation, the significance of architectural resources will be evaluated. ▶ If the subject project could affect potentially significant historic resources, the project applicant shall consider redesign to avoid adverse impacts to significant architectural resources that appear to be eligible for the CRHR or NRHP. ▶ If redesign of the project to avoid adverse impact to the significant architectural resource is not feasible, the City will ensure that HABS / HAER documentation is completed.	LTS
		4.2-1c: Conform to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings in the Event of Relocation ▶ In the event of building rehabilitation or relocation, the City will require that any alterations to significant buildings or structures conform to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.	LTS
4.2-2: Cause Damage to or Destruction of a Significant Prehistoric or Early Historic-era Archaeological Resource. The CCIC notes that the City of Riverbank and the surrounding area, due in large part to the presence of numerous perennial water sources, is highly sensitive for containing presently undocumented prehistoric cultural resources. Because such resources, which could be “historical” resources per CRHR criteria, could be inadvertently disturbed during ground-disturbing activities this impact is considered potentially	PS	4.2-2 : If Unrecorded Cultural Resources are Encountered during Project-Related Ground-Disturbing Activities, a Qualified Cultural Resources Specialist Shall be Contacted to Assess the Potential Significance of the Find ▶ If an inadvertent discovery of cultural materials (e.g. unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains, etc.) is made during project-related construction activities, ground disturbances in the area of the find will be halted and a qualified professional	LTS

**Table 1-1
Summary of Impacts and Mitigation Measures**

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
significant.		archaeologist will be notified regarding the discovery. ▶ The archaeologist shall determine whether the resource is potentially significant as per the CRHR and develop appropriate mitigation, as directed by Public Resources Code Section 21083.2.	
4.2-3: Subsurface Disturbances Could Potentially Uncover Unmarked Historic-Era and Prehistoric Native American Burials. While no known evidence for prehistoric or early historic interments occurs within the project site in surface contexts, this does not preclude the existence of buried subsurface human remains. California law recognizes the need to protect historic era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code §7050.5 and §7052 and California Public Resources Code §5097. Because it is possible that implementation of the project could involve unearthing of human remains, particularly those that were determined to be Native American in origin, this impact is considered potentially significant.	PS	4.2.3: If Human Remains are Uncovered during Ground-disturbing Activities, all Excavation/Construction Activity in the Vicinity of the Find shall cease and State of California law applied. ▶ In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the project proponent shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the property owner, contractor or project proponent, an archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California PRC 5097.9. ▶ Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has	LTS

**Table 1-1
Summary of Impacts and Mitigation Measures**

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being are granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendents, or other culturally appropriate treatment may be discussed. PRC 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that the landowner shall employ: 1. Record the site with the NAHC or the appropriate Information Center 2. Utilize an open-space or conservation zoning designation or easement 3. Record a document with the county in which the property is located ► The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.	
4.3 Global Climate Change			
4.3-1: Generation of Construction-Related GHG Emissions. Construction associated with development that could occur under the project would result in increased generation of GHG emissions. As a result, this impact is considered cumulatively considerable and potentially significant.	PS	4.3-1: Construction-Generated GHG Emissions. Applicants for development projects permitted under the project shall implement feasible measures for reducing GHG emissions associated with construction including, but not limited to the following: ► Use alternative fueled (e.g., biodiesel, electric) construction	SU

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		vehicles/equipment of at least 15 percent of the fleet; using local building materials of at least 10 percent; ► Use locally sourced or recycled materials for construction materials (with a goal of at least 10% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials); and ► Recycle or reuse at least 50 percent of construction waste or demolition materials.	
4.3-2: Generation of Long-Term Operational GHG Emissions. Operation development projects permitted under the project over time would result in increased generation of GHGs, which would contribute considerably to cumulative GHG emissions. However, land use change accommodated under the project would generate GHG emissions at a rate that is consistent with that needed statewide for land-use-related sectors to achieve the AB legislative mandate. The impact is considered less than cumulatively considerable and less than significant.	LTS	No mitigation is required.	LTS
4.3-3: Consistency with Plans, Policies, and Regulations Related to Greenhouse Gases. The project would not conflict with the AB 32 Scoping Plan or any plans, policies, or regulations related to GHG emissions. Therefore, the impact is considered less than significant.	LTS	No mitigation is required.	LTS
4.4 Noise			
4.4-1: Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise. Short-term construction source noise levels could exceed the applicable City standards at nearby noise-sensitive receptors. In addition, if construction activities were to occur during more noise-sensitive hours, construction source noise levels could also result in annoyance and/or sleep disruption to occupants of existing and proposed noise-sensitive land uses and create a substantial temporary increase in ambient noise levels. This impact is considered potentially significant.	PS	None available beyond policy language included in the project on page Implementation 3:11.	SU

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.4-2: Increases in Ambient Noise Levels. Under the project, future development of new noise-generating land uses could occur within areas containing noise-sensitive land uses. The impact is considered potentially significant.	PS	None available beyond policy language included in the project on page Implementation 3:11.	LTS
4.4-3: Traffic Noise. Future development of new noise-sensitive land uses would occur under the project in areas that are either currently affected by noise from transportation noise sources or will be in the future. Increases in traffic attributable to project development would also affect existing noise-sensitive land uses. The impact is considered significant.	S	None available beyond policy language included in the project on page Implementation 3:11.	SU
4.4-4: Increases in Vibration Levels. Construction of projects within the project site could cause temporary, disruptive vibration for nearby sensitive receptors. Under the project, future development of new vibration-sensitive land uses could occur within vibration-generating areas (e.g., railroads). This impact would be considered significant.	S	None available beyond policy language included in the project on pages Implementation 3:11 and 3:12.	LTS
4.4-5: Land Use Compatibility of On-site Sensitive Receptors with Future Railroad Noise Levels. Implementation of the proposed project would result in locating new noise-sensitive land uses within 60 dBA L _{dn} railroad noise contours. Therefore, this impact is considered potentially significant.	PS	None available beyond policy language included in the project on page Implementation 3:12.	SU
4.5 Transportation and Traffic			
4.5-1: Unacceptable Operations at the Intersection of SR 108 (Callander Avenue) and Santa Fe Street. Implementation of the proposed project would result in LOS F conditions at the intersection of SR 108 (Callander Avenue) and Santa Fe Street, and forecasted traffic volumes reach the level that satisfies traffic signal warrants. The impact is considered potentially significant.	PS	4.5-1: Contribute Fair Share toward the Cost of Signalizing the SR 108 / Santa Fe Street Intersection ▶ Projects within the project site shall contribute, on a fair-share basis, to the cost of signalizing the intersection of SR 108 and Santa Fe Street. ▶ The City will ensure that the signal is installed when warrants are actually satisfied or are expected to be satisfied. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	LTS
4.5-2: Unacceptable Operations at the Intersection of SR 108	PS	4.5-2: Contribute to Fair Share toward the Cost of Modifying	LTS

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
(Callander Avenue) and Patterson Road. Implementation of the project would result in LOS F conditions. The impact is considered potentially significant.		the SR 108 (Callander Avenue) / Patterson Road Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of modifying the intersection of SR 108 (Callander Avenue) and Patterson Road to add either a second northbound through lane or a separate right turn lane. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	
4.5-3: Unacceptable Operations at the Intersection of Patterson Road and Roselle Avenue. Implementation of the project would result in LOS F at the intersection of Patterson Road and Roselle Avenue. The impact is considered potentially significant.	PS	4.5-3: Contribute Fair Share toward the Cost of improving the Patterson Road / Roselle Avenue Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of improving the Patterson Road / Roselle Avenue intersection by paying adopted infrastructure fees. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	LTS
4.5-4: Acceptable Operations at the Intersection of Santa Fe Street and 1st Street. Side-street LOS at the Santa Fe Street / 1st Street intersection under the project would reach LOS E. The impact is considered potentially significant.	PS	4.5-4. Install All-Way Stop ▶ The City shall have installed an all-way stop sign at the intersection of Santa Fe Street and 1st Street as traffic volumes grow with land use change under the project in order to deliver satisfactory LOS.	LTS
4.5-5: Unacceptable Operations at the Intersection of Patterson Road and 1st Street. Implementation of the project would result in LOS F conditions at the intersection of Patterson Road and 1st Street. The impact is considered potentially significant.	PS	4.5-5: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 1st Street ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 1st Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program. ▶ The intersection and crossing gates shall be coordinated to ensure safe circulation in the area surrounding this intersection and the BNSF railroad crossing.	LTS
4.5-6: Unacceptable Operations at the Intersection of	PS	4.5-6: Contribute Fair Share toward the Cost of Signalizing	LTS

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Patterson Road and 3rd Street. Implementation of the project would result in LOS F conditions at the intersection of Patterson Road and 3rd Street. The impact is considered potentially significant.		the Intersection of Patterson Road and 3rd Street ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 3rd Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	
4.5-7: Unacceptable Operations at the Intersection of Patterson Road and 8th Street During the A.M. Peak Hour. Implementation of the project would result in LOS F conditions at the intersection of Patterson Road and 8th Street during the a.m. peak hour. The impact is considered potentially significant.	PS	4.5-7: Contribute Fair Share toward the Cost of Signalizing the Patterson Road / 8th Street Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 8th Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	LTS
4.5-8: Worsening of Unacceptable Operations at the Intersection of Atchison Street (SR 108) and Claus Road. Implementation of the project would exacerbate the LOS F conditions already occurring at the intersection of Atchison Street (SR 108) and Claus Road. The impact is considered potentially significant.	PS	4.5-8: Contribute Fair Share toward the Cost of Improving the Intersection of SR 108 and Claus Road ▶ Projects within the project site shall contribute on a fair-share basis to the cost of improving the intersection of SR 108 and Claus Road. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	LTS
4.5-9: Need for Left-Turn Channelization. Implementation of the project would add traffic to intersections, creating the need for left-turn lanes. The impact is considered potentially significant.	PS	4.5-9: Contribute Fair Share toward the Cost of Adding Left-Turn Lanes ▶ Projects within the project site shall contribute on a fair-share basis to the cost of adding northbound and southbound left-turn lanes at the intersection of Patterson Road and Roselle Avenue and left-turn lanes on both the Santa Fe Street and 1st Street approaches at the intersection of Santa Fe and 1st Streets. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	LTS
4.5-10: Increased Traffic Volumes for SR 108 Roadway	PS	4.5-10: Contribute Fair Share toward the Cost of Widening	SU

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Segments. Implementation of the project Area would add traffic to SR 108 and would exacerbate the LOS F conditions already identified for the two-lane portion of SR 108 (Patterson Road) west of the Callander Avenue intersection, for the two-lane portion of SR 108 (Callander Avenue) north of Patterson Road to Atchison Street, for the two-lane portion of SR 108 (Atchison Street) from 1st Street to 8th Street and for SR 108 east of Claus Road. This impact is considered potentially significant.		Callander Avenue - Projects within the project site shall contribute on a fair-share basis to the cost of widening Callander Avenue to four lanes by improving the frontage of parcels along SR 108 to accommodate two through travel lanes in each direction. - The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	
4.5-11: Increased Traffic Volumes on Patterson Road between Roselle Road and 1st Street. Implementation of the project would increase the daily traffic volume on Patterson Road between Roselle Road and 1st Street and reduce the LOS E conditions that occur today to LOS F. This impact is considered potentially significant.		4.5-11: Contribute Fair Share towards the Cost of Widening Patterson Road - Projects within the project site shall contribute on a fair-share basis to the cost of widening Patterson Road by paying adopted fees. - The City shall collect fair-share traffic fees from projects developed within the project site.	LTS
4.5-12: Increased Traffic Volumes on 1st Street north of Atchison Street (SR 108). Land use change accommodated under the project would increase the volume of traffic on 1st Street north of Atchison Street (SR 108) and resulting volumes are indicative of LOS E, which exceeds the City's LOS D minimum. This impact is considered potentially significant.	PS	4.5-12: Contribute Fair Share towards the Cost of Adding Southbound Right-Turn Lane - Projects within the project site shall contribute on a fair-share basis to the cost of adding a southbound right-turn lane at the intersection of Atchison Street and 1st Street. - The City shall collect fair-share traffic fees from projects developed within the project site.	LTS
4.5-13: Increased Traffic Volumes on Patterson Road east of 1st Street to Terminal Avenue. Land use change accommodated under the project would increase the volume of traffic on Patterson Road east of 1st Street to Terminal Avenue and LOS E conditions are forecast. This impact is considered a potentially significant.	PS	4.5-13: Contribute Fair Share towards the Cost of Widening Patterson Road - Projects within the project site shall contribute on a fair-share basis to the cost of widening Patterson Road. - The City shall collect fair-share traffic fees from projects developed within the project site.	LTS
4.5-14: Increased Traffic Volumes and Safety at the BNSF Railroad Crossings. Land use change accommodated under the project would increase the volume of vehicular traffic on BNSF railroad crossings. The impact is considered potentially significant.	PS	4.5-14: Contribute Fair-Share towards the Cost of Maintaining and Improving Railroad Crossings The City will review traffic data, in communication with the California Public Utilities Commission to identify improvements needed to ensure public safety in portions of	LTS

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		the project surrounding at-grade railroad crossings. ▶ As appropriate and feasible, the City will condition approval of projects under the project that add traffic across at-grade crossings to participate, on a fair-share basis, in the funding for improvements needed to ensure the public safety, as determined by the City. ▶ Such improvements may include coordinated traffic signals, enhanced rail crossing signage, warning equipment, and markings, and grade-separations, which shall be added to the City's infrastructure fee program, as appropriate.	
4.5-15: Conflicts between Automobiles and Pedestrians. Land use change in the project site could result in conflicts between automobiles, pedestrians and automobiles. The impact is considered potentially significant.	PS	4.5-15: Construct Pedestrian and Bicycle Amenities and Appropriate Connections to Existing Facilities ▶ The City will ensure that pedestrian and bicycle amenities needed to serve the project site are constructed and accompanied by appropriate connections to existing facilities that avoid "gaps" in the circulation system. ▶ Projects within the project site shall construct frontage improvements, as required by the City, to provide sidewalks and other streetscape improvements.	LTS
4.5-16: Increased Demand for Transit Services. Land use change under the project would be anticipated to increase demand for transit services provided by Stanislaus Regional Transit (StaRT) and the Riverbank –Oakdale Transit Authority (ROTA). The impact is considered less than significant.	LTS	No mitigation is required.	LTS
4.5-17: Increase in Traffic Volumes under Cumulative Conditions on SR 108 would exceed the City's LOS D Policy. Land use change under the project would increase the volume of traffic on SR 108 (Callander Avenue and Atchison Street) and the conditions in excess of the City's LOS D policy already projected under full buildout of the General Plan will be exacerbated by project site traffic. This is considered a significant cumulative impact.	S	4.5-17: Contribute Fair Share to Widening Callander Avenue ▶ Projects within the project site shall contribute on a fair-share basis to the cost of widening Callander Avenue to a four-lane section. ▶ The fair-share contribution shall include frontage improvements as applicable and widening SR 108 at the Santa Fe Street intersection when traffic signals are installed to as to accommodate two through lanes in each direction when the balance of the roadway is also widened. ▶ The City shall collect fair-share traffic fees from projects	LTS

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
developed within the project site.			
4.5-18: Increase in Traffic Volumes under Cumulative Conditions on 1st Street would exceed the City's LOS D Policy. Land use change accommodated under the project, along with past, present, and future development in the vicinity would increase the volume of traffic on 1st Street north of Atchison Street (SR 108) and resulting volumes are indicative of LOS E. This is considered a significant cumulative impact.	S	4.5-18: Contribute Fair Share towards the Cost of Widening 1st Street ► Implement Mitigation Measure 4.5-12.	LTS
4.5-19: Increased Traffic Volume at Intersection of SR 108 and Santa Fe Street under Cumulative Conditions. Implementation of the project would exacerbate the LOS F conditions projected at the intersection of SR 108 and Santa Fe Street. This is considered a significant cumulative impact.	S	4.5-19: Contribute Fair Share toward the Cost of Signalizing the SR 108 / Santa Fe Street Intersection ► Implement Mitigation Measure 4.5-1.	LTS
4.5-20: Increased Traffic Volume at the Intersection of SR 108 (Callander Avenue) and Patterson Road under Cumulative Conditions. Land use change under the project will combine with past, present, and future projects in the vicinity to exacerbate LOS F conditions expected under full buildout of the General Plan at the signalized intersection of SR 108 (Callander Avenue) and Patterson Road. This is considered a significant cumulative impact.	S	4.5-20: Contribute Fair Share towards the Cost of Modifying the Intersection of SR 108 (Callander Avenue) and Patterson Road ► Projects within the project site shall contribute on a fair-share basis to the cost of modifying the intersection of SR 108 (Callander Avenue) and Patterson Road to add a second northbound through lane. ► The City shall collect fair-share traffic fees from projects developed within the project site and add this improvement to the City's infrastructure fee program.	LTS
4.5-21: Worsen Unacceptable Conditions at the Intersection of Patterson Road and 3rd Street under Cumulative Conditions. Land use change in the project site would exacerbate the LOS F conditions projected at the intersection of Patterson Road and 3rd Street, and projected traffic volumes satisfy traffic signal warrants. This is considered a significant cumulative impact.	S	4.5-21: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 3rd Street ► Implement Mitigation Measure 4.5-6.	LTS
4.5-22: Increased Traffic Volume at the Intersection of Patterson Road and 8th Street under Cumulative Conditions. Land use change within the project site would exacerbate the	S	4.5-22: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 8th Street ► Implement Mitigation Measure 4.5-7.	LTS

Table 1-1 Summary of Impacts and Mitigation Measures			
Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
LOS F conditions projected at the intersection of Patterson Road and 8th Street, and projected traffic volumes satisfy traffic signal warrants. This is considered a significant cumulative impact.			
4.5-23: Increased Traffic Volume at the Intersection of Claus Road and Santa Fe Street under Cumulative Conditions. Land use change within the project site would exacerbate the LOS F conditions projected at the intersection of Claus Road and Santa Fe Street and under cumulative conditions, LOS F is forecast. This is considered a significant cumulative impact.	S	4.5-23: Contribute Fair Share toward the Cost of Signalizing the Clause Road / Santa Fe Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Claus Road and Santa Fe Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and add this improvement to the City's infrastructure fee program.	LTS
4.5-24: Traffic Volumes and Safety at the BNSF Railroad Crossings under Cumulative Conditions. Land use change accommodated under the project would increase the volume of vehicular traffic on BNSF railroad crossings. If additional traffic volumes cause congested conditions near at-grade railroad crossings, this could represent a safety concern. This is considered a significant cumulative impact.	S	4.5-24: Contribute Fair Share towards the Cost of Maintaining and Improving Railroad Crossings ▶ Implement Mitigation Measure 4.5-14.	LTS
4.6 Water Supply			
4.6-1: Have Sufficient Water Supply Available to Serve Buildout of the project. The City would have adequate water supplies to meet the projected buildout of the project during normal, single-dry, and multiple-dry years. This impact is considered less than significant.	LTS	No mitigation is required.	LTS

EXHIBIT B

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

1.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENT

Where a CEQA document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the Implementation of the 2005-2025 General Plan for Downtown Riverbank (the project), as set forth in the Final Environmental Impact Report (FEIR).

The City of Riverbank (City) is the Lead Agency that must adopt the MMRP for development and operation of the project. This report will be kept on file with the City of Riverbank Development Services Department, 6707 Third Street, Riverbank, CA 95367.

The CEQA Statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any of portion of the project, as identified in the EIR.

1.2 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP is intended to be used by City staff and others responsible for project implementation.

This document identifies the individual mitigation measures, timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and space to confirm implementation of the mitigation measures.

1.3 ROLES AND RESPONSIBILITIES

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Riverbank. Applicants of projects proposed under the project will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP.

The table attached to this report identifies the mitigation measure, the responsible agency for the monitoring action, and timing of the monitoring action. The City would be responsible for overall administration of the MMRP and for verifying that City staff members and/or the construction contractor has completed the necessary actions for each measure.

1.4 CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP shall be reported in writing. Modifications to the mitigation measures may be made by the City subject to one of the following findings, documented by evidence included in the public record:

- ▶ The mitigation measure included in the FEIR and the MMRP is no longer required because the significant environmental impact identified in the FEIR has been found not to exist, or to occur at a level which makes

the impact less than significant as a result of changes in the project, changes in environment conditions, or other factors.

OR,

- ▶ The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the FEIR and the MMRP; and,
- ▶ The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to, or greater than those which were considered by the responsible hearing bodies in their decisions on the FEIR and the proposed project; and,
- ▶ The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other City procedures, can ensure implementation.

1.5 SUPPORT DOCUMENTATION

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with this MMRP and shall be made available to the public upon request.

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Air Quality			
4.1-3: Require Implementation of SJVAPCD On-Site Mitigation Measures for Development Projects The City shall require each project applicant, as a condition of project approval, to design of all development projects to include feasible on-site mitigation measures for development projects as recommended by SJVAPCD. An example of a mitigation measure would be to provide bicycle parking and storage facilities, such as indicated by Policy AIR-1.7 of the project. As mentioned above, the project includes a number of policies that are consistent with the on-site mitigation measure recommended by the SJVAPCD. Compliance with SJVAPCD Rule 9510 and Regulation VIII, as required by law, would result in a minimum 33% reduction in NO _x emissions and a 50% reduction in PM ₁₀ emissions, according to estimates provided by SJVAPCD. The City will provide the SJVAPCD with contact information for project proponents to facilitate communication related to Rule 9510.	City of Riverbank and SJAPCD	Throughout design and operational phases of projects within the project site	
Biological Resources			
3.4-1: Pre-Construction Survey For projects proposing demolition or construction within 250 feet of the edge of the riparian area associated with the Stanislaus River north of the project site between February 1st and September 15th, surveys for active Swainson’s Hawk nests shall be conducted by a qualified biologist no more than 10 days prior to the start of construction. This survey shall include riparian areas with mature trees on the south side of the Stanislaus River within 250 feet of the edge of the proposed demolition/ construction site. A distance of 250 feet is used because beyond this distance potential disturbance would be screened by existing development or riparian vegetation.	City of Riverbank	Prior to construction	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
If no active nests are observed, no further action is required. If an active nest is observed, a qualified biologist shall be consulted to determine whether demolition/construction activities shall be rescheduled or whether operations should be managed in order to avoid disturbance. Factors to be considered in this evaluation would include whether there is any line of sight between the proposed demolition/construction site (including any proposed buildings) and the active nest; construction noise levels in the context of State Route 108 noise levels; and construction vibrations levels in the context of vibration from truck traffic along State Route 108. If demolition/construction is determined by the qualified biologist, based on this assessment, to have the potential to disturb the active nest, demolition/construction shall be rescheduled to occur outside the breeding season or shall be managed to avoid disturbance, as determined by a qualified biologist. If demolition/construction activities cannot be managed in a way that would avoid disturbance, as determined by a qualified biologist, then demolition/construction activities must wait to initiate until after birds have fledged and are no longer reliant upon the nest or parental care for survival.			
3.4-2: Implement Policies CONS-5.2 and CONS-5.4 of the General Plan Where necessary to avoid potential impacts to candidate, sensitive, or special-status species, projects proposed under the project shall implement the following:	City of Riverbank	Prior to construction	

**Table 1-1
 Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Policy CONS-5.2. Development applications involving areas with important habitat shall submit site plans that specifically show how development will avoid impacts to habitat that is rare, declining, unique, or supportive of special-status species. Policy CONS-5.4. When the loss of important habitat is unavoidable, mitigation measures will be designed to reduce impacts to the maximum extent feasible. This mitigation may include, but is not limited to off-site mitigation banking with restoration and enhancement components. For projects that would affect the function and value of river, stream, lake, pond, or wetland features, each of these features shall be delineated. For wetlands, the delineation shall be conducted in accordance with the USACE Wetland Delineation Manual and verified by USACE. The project applicant shall determine the exact acreage of important habitat (including those protected by federal, state, regional, and/or local regulations) that would be impacted by project implementation. A mitigation plan to replace or rehabilitate affected habitats in a manner that ensures no net loss of habitat functions and values shall be prepared and implemented in accordance with applicable regulations. The plan shall be reviewed and approved by the appropriate regulatory agencies and all relevant permits and authorizations shall be obtained. Mitigation monitoring shall be conducted to ensure performance criteria are met.			
Cultural Resources			
3.5-1: Worker Training and Paleontological Resources Recovery Plan To minimize potential adverse impacts on unique, scientifically important paleontological resources, the project applicant(s) shall do the following:	City of Riverbank	Prior to grading or excavation	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Before the start of grading or excavation activities on the project site, the project applicant(s) shall retain a qualified paleontologist or archaeologist to train all construction personnel (including the site superintendent) involved with earthmoving activities, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the City Public Works Department. The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a proposed recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the City to be necessary and feasible shall be implemented before construction or demolition activities can resume at the site where the paleontological resources were discovered.			
4.2-1a: Conduct Historic Inventory and Evaluation Architectural Resources ► As part of the future project-level analysis conducted prior to construction activities, the City will require project applicant/s to conduct an inventory and CRHR evaluation for architectural resources for the former cannery site. The inventory and evaluation will be prepared by a qualified architectural historian and will include conducting an intensive field survey, background research on the history of the area, and property-specific research.	City of Riverbank	Prior to construction or demolition	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ Based on this research, the significance of architectural resources will be evaluated by the architectural historian using criteria for listing in the CRHR. ▶ If any on-site historic resources are determined to be significant, the City will encourage the project applicant to incorporate such significant resources into the project in a manner that preserves the historic integrity. ▶ If avoidance of a significant architectural resource is not feasible, the City will ensure that Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation is completed. The HABS and HAER are programs to formally document historic resources through the use of large-format photography, measured drawings, written architectural descriptions, and historical narratives. Such documentation packages are entered into the Library of Congress, and a second copy generally is archived in the regional information centers of the CHRIS.			
4.2-2 : If Unrecorded Cultural Resources are Encountered during Project-Related Ground-Disturbing Activities, a Qualified Cultural Resources Specialist Shall be Contacted to Assess the Potential Significance of the Find ▶ If an inadvertent discovery of cultural materials (e.g. unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains, etc.) is made during project-related construction activities, ground disturbances in the area of the find will be halted and a qualified professional archaeologist will be notified regarding the discovery.	City of Riverbank	During construction and earth disturbing activities	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
► The archaeologist shall determine whether the resource is potentially significant as per the CRHR and develop appropriate mitigation, as directed by Public Resources Code Section 21083.2.			
4.2.3: If Human Remains are Uncovered during Ground-disturbing Activities, all Excavation/ Construction Activity in the Vicinity of the Find shall cease and State of California law applied. ► In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the project proponent shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the property owner, contractor or project proponent, an archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California PRC 5097.9.	City of Riverbank, County Coroner, and Native American Heritage Commission	During construction and earth disturbing activities	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
► The landowner or their authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.			
Geology and Soils			
3.6-1: Geotechnical Report for the Santa Fe Underpass. The City shall require the preparation of a soils report as described in Section 155.06 (e) of the Riverbank Code of Ordinances. The design of the underpass shall incorporate the recommendations of the soils report.	City of Riverbank	During design and construction phases for underpass	
Hazards and Hazardous Materials			
3.8-1: Use, Storage, Transport, and Disposal of Hazardous Materials. Project applicants within the project site shall implement Policy SAFE-1.8 of the General Plan: Policy SAFE-1.8: The City will require that hazardous materials are used, stored, transported, and disposed in a safe manner and in compliance with local, State, and federal safety standards.	City of Riverbank	During construction and operational phases of uses that require hazardous materials	
3.8-2: Address Hazardous Materials Issues To reduce health hazards associated with potential exposure to hazardous substances, project applicants within the project site shall implement the following measures before the start of ground-disturbing or demolition activities, as they apply to future project sites developed within project site:	City of Riverbank	Before ground-disturbing activities or demolition	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
► Prepare a Phase I Environmental Site Assessment (ESA) investigation before development. If recommended by the Phase I(s), a Phase II ESA investigation is also required. These investigations shall follow Phase I and/or II ESA guidelines and shall include, as necessary, analysis of soil and/or groundwater samples taken at or near the potential contamination sites. Recommendations in the Phase I and/or II ESA(s) to address any contamination that is found shall be implemented before ground-disturbing activities are initiated in these areas. If Phase I and/or Phase II ESAs indicate the presence of soil and/or groundwater contamination on a subject project site, a site remediation plan shall be prepared pursuant to Section 25401.05(a)(1) that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of on-site contaminated soils, redistribution of clean fill material on the project site, and remediation of contaminated groundwater (e.g., installation of groundwater extraction and treatment [GET] facilities). The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site (e.g., compliance with Division of Traffic Operations (DTO) and Caltrans transport regulations, and disposal at facilities permitted by EPA and/or DTSC to accept hazardous wastes).			

**Table 1-1
 Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
• If contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the Stanislaus County Department of Environmental Resources, DTSC, and other appropriate regulatory agencies, and shall follow required actions specified by the regulatory agencies (e.g., dewater the excavated area, properly dispose of contaminated groundwater, or set up GET facilities as required). The contractors of all project phases shall be required to comply with the site remediation plan, which shall outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriately permitted off-site disposal facility. ► If there are any underground storage tanks (USTs), LUSTs, or aboveground petroleum storage tanks (ASTs) within the project site, the applicant shall retain a licensed contractor to remove any subject tanks. Any stained soils associated with the debris piles, USTs, and/or ASTs shall also be removed by the licensed contractor, in accordance with Stanislaus County Department of Environmental Resources and Central Valley RWQCB regulations, including Division 7 of the California Water Code (Porter Cologne Water Quality Control Act) and the State Water Resources Control Board regulations (Underground Tank Regulations, CCR 23 Division 3, Chapter 16)			

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Retain a California Occupational Safety and Health Administration (Cal-OSHA)-certified Asbestos Consultant and Lead Based Paint Inspector/Assessor before demolition of any on-site buildings to investigate whether any asbestos-containing materials or lead-based paints are present. If any materials containing asbestos or lead are found, they shall be removed by an accredited contractor in accordance CCR 17 Section 36000 and 36100 (lead based paint) and Section 39658(b)(1) of the Health and Safety Code (asbestos). Construction or demolition in the vicinity of any on-site asbestos or lead-based paint materials shall comply with Cal-OSHA asbestos and lead worker construction standards. The materials containing asbestos and lead shall be disposed of properly at an appropriately permitted disposal facility.			
Transportation and Traffic			
4.5-1: Contribute Fair Share toward the Cost of Signalizing the SR 108 / Santa Fe Street Intersection - Projects within the project site shall contribute, on a fair-share basis, to the cost of signalizing the intersection of SR 108 and Santa Fe Street. - The City will ensure that the signal is installed when warrants are actually satisfied or are expected to be satisfied.	City of Riverbank	Prior to issuance of building permit	
The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.			

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
4.5-2: Contribute to Fair Share toward the Cost of Modifying the SR 108 (Callander Avenue) / Patterson Road Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of modifying the intersection of SR 108 (Callander Avenue) and Patterson Road to add either a second northbound through lane or a separate right turn lane. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-3: Contribute Fair Share toward the Cost of improving the Patterson Road / Roselle Avenue Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of improving the Patterson Road / Roselle Avenue intersection by paying adopted infrastructure fees. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-4. Install All-Way Stop ▶ The City shall have installed an all-way stop sign at the intersection of Santa Fe Street and 1st Street as traffic volumes grow with land use change under the project in order to deliver satisfactory LOS.	City of Riverbank	Prior to issuance of building permit	
4.5-5: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 1st Street ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 1st Street.	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program. ▶ The intersection and crossing gates shall be coordinated to ensure safe circulation in the area surrounding this intersection and the BNSF railroad crossing.			
4.5-6: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 3rd Street ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 3rd Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-7: Contribute Fair Share toward the Cost of Signalizing the Patterson Road / 8th Street Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 8th Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-8: Contribute Fair Share toward the Cost of Improving the Intersection of SR 108 and Claus Road ▶ Projects within the project site shall contribute on a fair-share basis to the cost of improving the intersection of SR 108 and Claus Road.	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ The City shall collect fair-share traffic fees from projects developed within the project site.			
4.5-9: Contribute Fair Share toward the Cost of Adding Left-Turn Lanes ▶ Projects within the project site shall contribute on a fair-share basis to the cost of adding northbound and southbound left-turn lanes at the intersection of Patterson Road and Roselle Avenue and left-turn lanes on both the Santa Fe Street and 1st Street approaches at the intersection of Santa Fe and 1st Streets. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	City of Riverbank	Prior to issuance of building permit	
4.5-10: Contribute Fair Share toward the Cost of Widening Callander Avenue ▶ Projects within the project site shall contribute on a fair-share basis to the cost of widening Callander Avenue to four lanes by improving the frontage of parcels along SR 108 to accommodate two through travel lanes in each direction. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-11: Contribute Fair Share towards the Cost of Widening Patterson Road ▶ Projects within the project site shall contribute on a fair-share basis to the cost of widening Patterson Road by paying adopted fees. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
4.5-12: Contribute Fair Share towards the Cost of Adding Southbound Right-Turn Lane ▶ Projects within the project site shall contribute on a fair-share basis to the cost of adding a southbound right-turn lane at the intersection of Atchison Street and 1st Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	City of Riverbank	Prior to issuance of building permit	
4.5-13: Contribute Fair Share towards the Cost of Widening Patterson Road ▶ Projects within the project site shall contribute on a fair-share basis to the cost of widening Patterson Road. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	City of Riverbank	Prior to issuance of building permit	
4.5-14: Contribute Fair-Share towards the Cost of Maintaining and Improving Railroad Crossings ▶ The City will review traffic data, in communication with the California Public Utilities Commission to identify improvements needed to ensure public safety in portions of the project surrounding at-grade railroad crossings. ▶ As appropriate and feasible, the City will condition approval of projects under the project that add traffic across at-grade crossings to participate, on a fair-share basis, in the funding for improvements needed to ensure the public safety, as determined by the City. ▶ Such improvements may include coordinated traffic signals, enhanced rail crossing signage, warning equipment, and markings, and grade-separations, which shall be added to the City's infrastructure fee program, as appropriate.	City of Riverbank	Prior to issuance of building permit	
4.5-15: Construct Pedestrian and Bicycle Amenities and Appropriate Connections to Existing Facilities	City of Riverbank	Prior to issuance of building permit	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ The City will ensure that pedestrian and bicycle amenities needed to serve the project site are constructed and accompanied by appropriate connections to existing facilities that avoid “gaps” in the circulation system. ▶ Projects within the project site shall construct frontage improvements, as required by the City, to provide sidewalks and other streetscape improvements.			
4.5-17: Contribute Fair Share to Widening Callander Avenue ▶ Projects within the project site shall contribute on a fair-share basis to the cost of widening Callander Avenue to a four-lane section.	City of Riverbank	Prior to issuance of building permit	
▶ The fair-share contribution shall include frontage improvements as applicable and widening SR 108 at the Santa Fe Street intersection when traffic signals are installed to as to accommodate two through lanes in each direction when the balance of the roadway is also widened. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.			
4.5-18: Contribute Fair Share towards the Cost of Widening 1st Street (Implement Mitigation Measure 4.5-12.) ▶ Projects within the project site shall contribute on a fair-share basis to the cost of adding a southbound right-turn lane at the intersection of Atchison Street and 1st Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site.	City of Riverbank	Prior to issuance of building permit	
4.5-19: Contribute Fair Share toward the Cost of Signalizing the SR 108 / Santa Fe Street Intersection (Implement Mitigation Measure 4.5-1.)	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ Projects within the project site shall contribute, on a fair-share basis, to the cost of signalizing the intersection of SR 108 and Santa Fe Street. ▶ The City will ensure that the signal is installed when warrants are actually satisfied or are expected to be satisfied. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.			
4.5-20: Contribute Fair Share towards the Cost of Modifying the Intersection of SR 108 (Callander Avenue) and Patterson Road ▶ Projects within the project site shall contribute on a fair-share basis to the cost of modifying the intersection of SR 108 (Callander Avenue) and Patterson Road to add a second northbound through lane. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and add this improvement to the City's infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-21: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 3rd Street (Implement Mitigation Measure 4.5-6.) ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 3rd Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.			
4.5-22: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 8th Street (Implement Mitigation Measure 4.5-7.)	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 8th Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and shall include this improvement in an updated infrastructure fee program.			
4.5-23: Contribute Fair Share toward the Cost of Signalizing the Claus Road / Santa Fe Intersection ▶ Projects within the project site shall contribute on a fair-share basis to the cost of signalizing the intersection of Claus Road and Santa Fe Street. ▶ The City shall collect fair-share traffic fees from projects developed within the project site and add this improvement to the City's infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-24: Contribute Fair Share towards the Cost of Maintaining and Improving Railroad Crossings <i>(Implement Mitigation Measure 4.5-14.)</i> ▶ The City will review traffic data, in communication with the California Public Utilities Commission to identify improvements needed to ensure public safety in portions of the project surrounding at-grade railroad crossings. ▶ As appropriate and feasible, the City will condition approval of projects under the project that add traffic across at-grade crossings to participate, on a fair-share basis, in the funding for improvements needed to ensure the public safety, as determined by the City. ▶ Such improvements may include coordinated traffic signals, enhanced rail crossing signage, warning equipment, and markings, and grade-separations, which shall be added to the City's infrastructure fee program, as appropriate.	City of Riverbank	Prior to issuance of building permit	

APPENDIX A

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

1.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENT

Where a CEQA document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the Downtown Riverbank Specific Plan (the project), as set forth in the Final Environmental Impact Report (FEIR).

The City of Riverbank (City) is the Lead Agency that must adopt the MMRP for development and operation of the project. This report will be kept on file with the City of Riverbank Development Services Department, 6707 Third Street, Riverbank, CA 95367.

The CEQA Statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any of portion of the project, as identified in the EIR.

1.2 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP is intended to be used by City staff and others responsible for project implementation.

This document identifies the individual mitigation measures, timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and space to confirm implementation of the mitigation measures.

1.3 ROLES AND RESPONSIBILITIES

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Riverbank. Applicants of projects proposed under the Specific Plan will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP.

The table attached to this report identifies the mitigation measure, the responsible agency for the monitoring action, and timing of the monitoring action. The City would be responsible for overall administration of the MMRP and for verifying that City staff members and/or the construction contractor has completed the necessary actions for each measure.

1.4 CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP shall be reported in writing. Modifications to the mitigation measures may be made by the City subject to one of the following findings, documented by evidence included in the public record:

- ▶ The mitigation measure included in the FEIR and the MMRP is no longer required because the significant environmental impact identified in the FEIR has been found not to exist, or to occur at a level which makes

the impact less than significant as a result of changes in the project, changes in environment conditions, or other factors.

OR,

- ▶ The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the FEIR and the MMRP; and,
- ▶ The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to, or greater than those which were considered by the responsible hearing bodies in their decisions on the FEIR and the proposed project; and,
- ▶ The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other City procedures, can ensure implementation.

1.5 SUPPORT DOCUMENTATION

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with this MMRP and shall be made available to the public upon request.

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Aesthetics			
Lighting ▶ Lighting fixtures shall include cut-off and other ‘dark-sky’ technology to reduce light pollution. ▶ Street lights shall consist of a decorative base, and luminaire, and shall be pedestrian-scale. ▶ Streetlight light sources shall be between 11 and 16 feet in all Downtown districts. ▶ All lights shall incorporate prismatic lenses, diffusers, or refractors to avoid glare. ▶ LED and other energy efficient technologies shall be used for street lighting. ▶ Area lights shall not throw light onto upper stories or onto residential buildings. ▶ Pedestrian areas including sidewalks, pathways, parking areas and courts shall be illuminated to increase safety and provide clear views to and within the site. ▶ Low pressure sodium vapor or other lights casting an orange glow are prohibited.	City of Riverbank	Prior to issuance of building permit	
Air Quality			
4.1-3: Require Implementation of SJVAPCD On-Site Mitigation Measures for Development Projects The City shall require each project applicant, as a condition of project approval, to design of all development projects to include feasible on-site mitigation measures for development projects as recommended by SJVAPCD. An example of a mitigation measure would be to provide bicycle parking and storage facilities, such as indicated by Policy AIR-1.7 of the Draft Specific Plan. As mentioned above, the Draft Specific Plan includes a number of policies that are consistent with the on-site mitigation measure recommended by the SJVAPCD. Compliance with SJVAPCD Rule 9510 and Regulation VIII for operational emissions, as required by law,	City of Riverbank and SJAPCD	Throughout design and operational phases of projects accommodated under the Specific Plan that would trigger review by the SJVAPCD under Rule 9510	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
would result in a minimum 33% reduction in NO _x emissions and a 50% reduction in PM ₁₀ emissions, according to estimates provided by SJVAPCD. The City will provide the SJVAPCD with contact information for project proponents to facilitate communication related to Rule 9510.			
Toxic Air Contaminants ► Policy AIR-3.1: The City will provide adequate sites for industrial development, while minimizing the health risks to people resulting from industrial toxic or hazardous air pollutant emissions. ► Policy AIR-3.2: The City of Riverbank will require residential development projects and projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources toxic emissions such as freeways, major arterials, industrial sites, and hazardous material locations. ► Policy AIR-3.3: The City of Riverbank will ensure that industrial, manufacturing, and processing facilities that may produce toxic or hazardous air pollutants are located at an adequate distance from residential areas and other sensitive receptors. ► Policy AIR-3.4: The City will discourage major arterial roadways within new or existing neighborhoods and will require new line sources of air pollution, such as a proposed major freeway or major arterial roadway, to be located an adequate distance from sensitive receptors. ► Policy AIR-3.5: The City will coordinate with the Air District to identify sources of toxic air emissions and determine the need for health risk assessments for proposed development. The City will consult with project proponents during a pre-application review process to avoid inappropriate uses at affected sites and during the environmental review process for general plan amendments and general plan updates. ► Implementation Strategy AIR-8: The City will	City of Riverbank	Prior to issuance of building permit for projects proposing sensitive receptors near sources of known toxic air contaminants or projects that could generate toxic air contaminants	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
require project proponents to prepare health risk assessments in accordance with Air District-recommended procedures as part of environmental review when the proposed industrial process has associated air emissions that have been designated by the State as a toxic air contaminant or, similarly, by the federal government as a hazardous air pollutant. Also, the City will require health risk assessments for major arterial roadways or major freeways proposed near sensitive land uses and sensitive land uses proposed near existing or planned major freeways. Major freeways, for these purposes, are those that handle more than 50,000 vehicles per day. In general, the City will apply the California Air Resources Board Air Quality and Land Use Handbook (California Air Resources Board 2005), and relevant updates, for recommendations on siting distances for sensitive or noxious uses.			
Biological Resources			
3.4-1: Pre-Construction Survey ► For projects proposing demolition or construction within 250 feet of the edge of the riparian area associated with the Stanislaus River north of the Specific Plan Area between February 1st and September 15th, surveys for active Swainson's Hawk nests shall be conducted by a qualified biologist no more than 10 days prior to the start of construction. This survey shall include riparian areas with mature trees on the south side of the Stanislaus River within 250 feet of the edge of the proposed demolition/ construction site. A distance of 250 feet is used because beyond this distance potential disturbance would be screened by existing development or riparian vegetation. ► If no active nests are observed, no further action is required. ► If an active nest is observed, a qualified biologist shall be consulted to determine whether	City of Riverbank	Prior to construction	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
demolition/construction activities shall be rescheduled or whether operations should be managed in order to avoid disturbance. Factors to be considered in this evaluation would include whether there is any line of sight between the proposed demolition/construction site (including any proposed buildings) and the active nest; construction noise levels in the context of State Route 108 noise levels; and construction vibrations levels in the context of vibration from truck traffic along State Route 108. ► If demolition/construction is determined by the qualified biologist, based on this assessment, to have the potential to disturb the active nest, demolition/construction shall be rescheduled to occur outside the breeding season or shall be managed to avoid disturbance, as determined by a qualified biologist. ► If demolition/construction activities cannot be managed in a way that would avoid disturbance, as determined by a qualified biologist, then demolition/construction activities must wait to initiate until after birds have fledged and are no longer reliant upon the nest or parental care for survival.			
3.4-2: Implement Policies CONS-5.2 and CONS-5.4 of the General Plan Where necessary to avoid potential impacts to candidate, sensitive, or special-status species, projects proposed under the Specific Plan shall implement the following: Policy CONS-5.2. Development applications involving areas with important habitat shall submit site plans that specifically show how development will avoid impacts to habitat that is rare, declining, unique, or supportive of special-status species. Policy CONS-5.4. When the loss of important habitat is unavoidable, mitigation measures will be designed	City of Riverbank	Prior to construction	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
to reduce impacts to the maximum extent feasible. This mitigation may include, but is not limited to off-site mitigation banking with restoration and enhancement components. For projects that would affect the function and value of river, stream, lake, pond, or wetland features, each of these features shall be delineated. For wetlands, the delineation shall be conducted in accordance with the USACE Wetland Delineation Manual and verified by USACE. The project applicant shall determine the exact acreage of important habitat (including those protected by federal, state, regional, and/or local regulations) that would be impacted by project implementation. A mitigation plan to replace or rehabilitate affected habitats in a manner that ensures no net loss of habitat functions and values shall be prepared and implemented in accordance with applicable regulations. The plan shall be reviewed and approved by the appropriate regulatory agencies and all relevant permits and authorizations shall be obtained. Mitigation monitoring shall be conducted to ensure performance criteria are met.			
Cultural Resources			
3.5-1: Worker Training and Paleontological Resources Recovery Plan To minimize potential adverse impacts on unique, scientifically important paleontological resources, the project applicant(s) shall do the following: Before the start of grading or excavation activities on the project site, the project applicant(s) shall retain a qualified paleontologist or archaeologist to train all construction personnel (including the site superintendent) involved with earthmoving activities, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. If paleontological resources are discovered during earthmoving activities, the construction crew shall	City of Riverbank	Prior to, and during grading or excavation activities	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
immediately cease work in the vicinity of the find and notify the City Public Works Department. The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a proposed recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the City to be necessary and feasible shall be implemented before construction or demolition activities can resume at the site where the paleontological resources were discovered.			
4.2-1a: Conduct Historic Inventory and Evaluation Architectural Resources ▶ As part of the future project-level analysis conducted prior to construction activities, the City will require project applicant/s to conduct an inventory and CRHR evaluation for architectural resources for the former cannery site. The inventory and evaluation will be prepared by a qualified architectural historian and will include conducting an intensive field survey, background research on the history of the area, and property-specific research. ▶ Based on this research, the significance of architectural resources will be evaluated by the architectural historian using criteria for listing in the CRHR. ▶ If any on-site historic resources are determined to be significant, the City will encourage the project applicant to incorporate such significant resources into the project in a manner that preserves the historic integrity. ▶ If avoidance of a significant architectural resource is not feasible, the City will ensure that Historic American Building Survey (HABS)/Historic American Engineering Record (HAER)	City of Riverbank	Prior to construction or demolition on former cannery site	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
documentation is completed. The HABS and HAER are programs to formally document historic resources through the use of large-format photography, measured drawings, written architectural descriptions, and historical narratives. Such documentation packages are entered into the Library of Congress, and a second copy generally is archived in the regional information centers of the CHRIS.			
4.2-1b: Avoid Impacts to Significant Architectural Resources in Specific Plan Area ► Project applicants outside the Specific Plan Cannery District that propose physical changes to structures of 45 years or older shall provide an inventory and CRHR evaluation of such structures. Based on this evaluation, the significance of architectural resources will be evaluated. ► If the subject project could affect potentially significant historic resources, the project applicant shall consider redesign to avoid adverse impacts to significant architectural resources that appear to be eligible for the CRHR or NRHP. ► If redesign of the project to avoid adverse impact to the significant architectural resource is not feasible, the City will ensure that HABS / HAER documentation is completed.	City of Riverbank	Prior to renovation, demolition, or construction involving structure of 45 years or older	
4.2-1b: Conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings in the Event of Relocation ► In the event of building rehabilitation or relocation, the City will require that any alterations to significant buildings or structures conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.	City of Riverbank	Prior to renovation, rehabilitation, or relocation of significant historic buildings	
4.2-2 : If Unrecorded Cultural Resources are	City of Riverbank	During construction and earth	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Encountered during Project-Related Ground-Disturbing Activities, a Qualified Cultural Resources Specialist Shall be Contacted to Assess the Potential Significance of the Find ► If an inadvertent discovery of cultural materials (e.g. unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains, etc.) is made during project-related construction activities, ground disturbances in the area of the find will be halted and a qualified professional archaeologist will be notified regarding the discovery. ► The archaeologist shall determine whether the resource is potentially significant as per the CRHR and develop appropriate mitigation, as directed by Public Resources Code Section 21083.2.		disturbing activities	
4.2.3: If Human Remains are Uncovered during Ground-disturbing Activities, all Excavation/ Construction Activity in the Vicinity of the Find shall cease and State of California law applied ► In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the project proponent shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the property owner, contractor or project proponent, an archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that	City of Riverbank, County Coroner, and Native American Heritage Commission	During construction and earth disturbing activities	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California PRC 5097.9. ► Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being are granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. PRC 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that the landowner shall employ: 1. Record the site with the NAHC or the appropriate Information Center 2. Utilize an open-space or conservation zoning designation or easement 3. Record a document with the county in which the property is located ► The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a			

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.			
Geology and Soils			
3.6-1: Geotechnical Report for the Santa Fe Underpass The City shall require the preparation of a soils report as described in Section 155.06 (e) of the Riverbank Code of Ordinances. The design of the underpass shall incorporate the recommendations of the soils report.	City of Riverbank	During design and construction phases for Santa Fe Street underpass	
Hazards and Hazardous Materials			
3.8-1: Use, Storage, Transport, and Disposal of Hazardous Materials Project applicants within the Specific Plan Area shall implement Policy SAFE-1.8 of the General Plan: Policy SAFE-1.8: The City will require that hazardous materials are used, stored, transported, and disposed in a safe manner and in compliance with local, State, and federal safety standards.	City of Riverbank	During construction and operational phases of uses that require hazardous materials	
3.8-2: Address Hazardous Materials Issues To reduce health hazards associated with potential exposure to hazardous substances, project applicants within the Specific Plan Area shall implement the following measures before the start of ground-disturbing or demolition activities, as they apply to future project sites developed within Specific Plan Area: ► Prepare a Phase I Environmental Site Assessment (ESA) investigation before development. ○ If recommended by the Phase I(s), a Phase II ESA investigation is also required. ○ These investigations shall follow Phase I and/or II ESA guidelines and shall include, as necessary, analysis of soil and/or groundwater samples taken at or near the potential	City of Riverbank	Before ground-disturbing activities or demolition	

Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
contamination sites. - o Recommendations in the Phase I and/or II ESA(s) to address any contamination that is found shall be implemented before ground-disturbing activities are initiated in these areas. - o If Phase I and/or Phase II ESAs indicate the presence of soil and/or groundwater contamination on a subject project site, a site remediation plan shall be prepared pursuant to Section 25401.05(a)(1) that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of on-site contaminated soils, redistribution of clean fill material on the project site, and remediation of contaminated groundwater (e.g., installation of groundwater extraction and treatment [GET] facilities). The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site (e.g., compliance with Division of Traffic Operations (DTO) and Caltrans transport regulations, and disposal at facilities permitted by EPA and/or DTSC to accept hazardous wastes). - o If contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the Stanislaus County Department of Environmental Resources, DTSC, and other appropriate regulatory agencies, and shall follow required actions specified by the regulatory agencies (e.g., dewater the excavated area, properly dispose of contaminated groundwater, or set up GET facilities as required). The contractors of all project phases shall be required to comply			

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
with the site remediation plan, which shall outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriately permitted off-site disposal facility. ► If there are any underground storage tanks (USTs), LUSTs, or aboveground petroleum storage tanks (ASTs) within the project site, the applicant shall retain a licensed contractor to remove any subject tanks. Any stained soils associated with the debris piles, USTs, and/or ASTs shall also be removed by the licensed contractor, in accordance with Stanislaus County Department of Environmental Resources and Central Valley RWQCB regulations, including Division 7 of the California Water Code (Porter Cologne Water Quality Control Act) and the State Water Resources Control Board regulations (Underground Tank Regulations, CCR 23 Division 3, Chapter 16). ► Retain a California Occupational Safety and Health Administration (Cal-OSHA)-certified Asbestos Consultant and Lead Based Paint Inspector/Assessor before demolition of any on-site buildings to investigate whether any asbestos-containing materials or lead-based paints are present. If any materials containing asbestos or lead are found, they shall be removed by an accredited contractor in accordance CCR 17 Section 36000 and 36100 (lead based paint) and Section 39658(b)(1) of the Health and Safety Code (asbestos). Construction or demolition in the vicinity of any on-site asbestos or lead-based paint materials shall comply with Cal-OSHA asbestos and lead worker construction standards. The materials containing asbestos and lead shall be disposed of properly at an appropriately permitted disposal facility.			
Cardozo Middle School	City of Riverbank	Prior to issuance of building	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
► Policy AIR-3.1: The City will provide adequate sites for industrial development, while minimizing the health risks to people resulting from industrial toxic or hazardous air pollutant emissions. ► Policy AIR-3.2: The City of Riverbank will require residential development projects and projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources toxic emissions such as freeways, major arterials, industrial sites, and hazardous material locations. ► Policy AIR-3.3: The City of Riverbank will ensure that industrial, manufacturing, and processing facilities that may produce toxic or hazardous air pollutants are located at an adequate distance from residential areas and other sensitive receptors. ► Policy AIR-3.5: The City will coordinate with the Air District to identify sources of toxic air emissions and determine the need for health risk assessments for proposed development. The City will consult with project proponents during a pre-application review process to avoid inappropriate uses at affected sites and during the environmental review process for general plan amendments and general plan updates. ► Policy SAFE-1.10: The City will review development requests and require that any airborne, waterborne, windborne, and other hazardous materials issues are fully disclosed, analyzed, and mitigated to ensure against any risk relative to any nearby planned or existing land uses and their users.		permit for projects that would generate, handle, or transport hazardous materials	
Emergency Response and Emergency Access ► Policy SAFE-2.1: The City will require development and maintenance of a road system that provides adequate access for emergency equipment. ► Policy SAFE-2.2: The City will consult with fire protection service providers in reviewing	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
development proposals. Development proposals will include City conditions that respond to concerns of fire protection service providers.			
Global Climate Change			
4.3-1 : Construction-Generated GHG Emissions Applicants for development projects permitted under the Specific Plan shall implement feasible measures for reducing GHG emissions associated with construction including, but not limited to the following: ► Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet; using local building materials of at least 10 percent; ► Use locally sourced or recycled materials for construction materials (with a goal of at least 10% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials); and ► Recycle or reuse at least 50 percent of construction waste or demolition materials.	City of Riverbank	Prior to issuance of building permit	
Hydrology and Water Quality			
Water Quality Standards ► Policy CONS-4.2: Approved projects, plans, and subdivisions shall provide for collection, conveyance, treatment, detention, and other stormwater management measures in a way that does not decrease water quality or alter hydrology in the Stanislaus River or associated groundwater recharge areas (City of Riverbank 2008:CONS-6). ► Policy CONS-6.2: The City will coordinate with appropriate regional, State, and federal agencies to address local sources of groundwater and soil contamination, including underground storage tanks, septic tanks, agriculture, and industrial uses standards (City of Riverbank 2008:CONS-8). ► Policy CONS-6.4: The City will encourage the use	City of Riverbank	Prior to issuance of building permit	

Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
of permeable surfaces for hardscape. Impervious surfaces such as driveways, streets, and parking lots will be minimized so that land is available for a natural drainage system to absorb stormwater, reduce polluted urban runoff, recharge groundwater, and reduce flooding. ► Policy CONS-6.7: The City will require mitigation measures, in coordination with the Regional Water Quality Control Board, as a part of approved projects, plans, and subdivisions to address the quality and quantity of urban runoff, including that attributable to soil erosion. ► Policy DESIGN-19.1: The City will establish site design criteria for allowing natural hydrological systems to function with minimum or no modification. ► Policy DESIGN-19.2: The City will promote the use of rain gardens, open ditches or swales, and pervious driveways and parking areas in site design to maximize infiltration of storm water and minimize runoff into environmentally critical areas. ► In general, financing the cost of necessary utility improvements is the responsibility of the benefited properties. Use of the existing utility infrastructure where adequate will reduce overall investment costs. Where modifications or upgrading of existing utility facilities is necessary in conjunction with new development, it is anticipated that the cost of such improvements will be provided for through the City of Riverbank standard fees that are charged to all new development on a proportionate basis. The cost of providing or upgrading on-site utilities to an individual property will be borne by the applicant for new development of the site, and on-site improvement costs serving more than one property will be shared proportionately by the benefiting developments based on project demand and/or discharge.			

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ Installation, operation and maintenance of utilities should not adversely affect significant natural resources. Where such impacts are unavoidable, they shall be mitigated. ▶ Development in the Downtown District shall not result in flows of storm water that diminish the prior quality of receiving waters, nor shall such development create an overall increase in storm water flows. Specific requirements pertaining to utility construction and landscape improvements should be considered for each individual project prior to construction. ▶ New development within the Cannery District will be required to provide infrastructure and associated facilities as development occurs. ▶ Parking lot surfaces should utilize permeable surfaces where possible to increase infiltration and reduce run-off.			
Groundwater ▶ Policy CONS-4.2: Approved projects, plans, and subdivisions shall provide for collection, conveyance, treatment, detention, and other stormwater management measures in a way that does not decrease water quality or alter hydrology in the Stanislaus River or associated groundwater recharge areas. ▶ Policy CONS-6.1: The City will require that waterways, floodplains, watersheds, and groundwater recharge areas are maintained in their natural condition, wherever feasible. ▶ Policy CONS-6.4: The City will encourage the use of permeable surfaces for hardscape. Impervious surfaces such as driveways, streets, and parking lots will be minimized so that land is available for a natural drainage system to absorb stormwater, reduce polluted urban runoff, recharge groundwater, and reduce flooding.	City of Riverbank	Prior to issuance of building permit	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Erosion ► Policy PUBLIC-4.5. New development shall be designed to control surface runoff discharges to comply with the National Pollutant Discharge Elimination System Permit and the receiving water limitations assigned by the Regional Water Quality Control Board. ► Policy PUBLIC-4.6. The City will establish and new development shall implement nonpoint source pollution control measures and programs designed to reduce and control the discharge of pollutants into the City's storm drains and river. ► Policy PUBLIC-4.8. The City will encourage pollution prevention methods, supplemented by pollutant source controls and treatment. Use small collection strategies located at, or as close to possible to the source (i.e., the point where water initially meets the ground) to minimize the transport or urban runoff and pollutants off-site. ► Policy PUBLIC-4.9. The City will require the preservation and, where possible, will encourage that creation or restoration of areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones. ► Policy PUBLIC-4.11. The City will require that new development avoid development in areas that are particularly susceptible to erosion and sediment loss; or, will require that these areas are identified and protected from erosion and sediment loss. ► Policy PUBLIC-4.12. The City will encourage and/or require the use of open, vegetated swales, stormwater cascades, and small wetland ponds instead of pipes and vaults, as a part of urban development proposed outside current City limits to mitigate stormwater impacts.	City of Riverbank	Prior to issuance of building permit and ongoing during project operation, as appropriate	
Flooding ► Policy PUBLIC-4.1. The City will maintain and	City of Riverbank	Prior to issuance of building permit and during buildout of	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
improve, as necessary, existing public storm basins and flood control facilities, as identified in the Stormwater Master Plan. ► Policy PUBLIC-4.2. The City will coordinate with County and Regional agencies, as well as the railroad, in the maintenance and improvement of storm drainage facilities to protect the City's residents, property, and structures from flood hazards. ► Policy PUBLIC-4.3. The City will consider a variety of means for floodplain management, depending on the context, which may include development, improvement, and maintenance of structural flood control facilities; land use policy and zoning to prohibit incompatible urban development within the floodplain; erosion control techniques; set backs from flood-prone areas; and other measures, as circumstances dictate. ► Policy PUBLIC-4.4. The City will identify areas, such as wetlands, low-lying natural runoff areas, and pervious surfaces and percolation ponds, for natural storm water collection and filtration, in concert with the City's existing and future drainage infrastructure, to help reduce the amount of runoff and encourage groundwater recharge. ► Policy PUBLIC-4.7. The City will require minimization of the amount of new impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and, where feasible, maximize onsite infiltration of stormwater runoff. ► Policy PUBLIC-4.13. The City will enforce a no-net-runoff policy for areas proposed for development outside the current City limits.		the Riverbank General Plan, as appropriate	
Levee or Dam Failure ► Policy SAFE-2.4. The City will coordinate with the County Office of Emergency Services to identify	City of Riverbank	Prior to issuance of building permit and during buildout of the Riverbank General Plan,	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
evacuation routes and operational plans to be used in case of dam failure, flood disaster, and wildfire for any new growth areas in addition to any updates required to serve the existing developed City. ► Implementation Measure SAFE-2. The City will, in coordination with the County Office of Emergency Services, implement and periodically update disaster plans, including the City's Emergency Operations Plan, to meet federal, state, and local emergency requirements. Included in this work will be the identification and planning for evacuation routes for dam failure, flooding, and wildfire that may affect existing developed areas of the City, as well as new growth areas. ► Implementation Measure SAFE-3. The City will coordinate with public safety service providers serving the City to ensure proper training and disaster preparedness, and period testing of equipment and facilities, in coordination with the County Office of Emergency Services. ► Implementation Measure SAFE-4. The City will work with emergency responders serving the City to support the purchase and maintenance of proper emergency communication systems and equipment, and other necessary tools dealing with emergencies.		as appropriate	
Noise			
Construction Noise ► Construction activities shall be prohibited between the hours of 6:30 p.m. and 6:00 a.m. on weekdays and between 5:00 p.m. and 8:00 a.m. on weekends and legal holidays. ► Project applicants and contractors shall ensure that all construction equipment is equipped with noise-reduction devices, such as mufflers to minimize construction noise, and that all internal combustion engines are equipped with exhaust and intake silencers, in accordance with manufacturers'	City of Riverbank	During site preparation and construction activities	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
specifications. ▶ Electric construction equipment shall be used for construction activities occurring adjacent noise-sensitive uses to the greatest extent feasible. ▶ Temporary noise barriers around construction sites and temporary barriers around noisy stationary construction equipment (generators, compressors, etc.) shall be used in construction of projects located adjacent to noise-sensitive land uses to the greatest extent feasible.			
Ambient Noise Increase ▶ Signs shall be posted at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes. ▶ Projects proposed under the Specific Plan shall enclose or otherwise shield noise-generating mechanical equipment that could create noise in excess of City standards to avoid impacts to adjacent noise-sensitive land uses.	City of Riverbank	Identify enclosures or shielding prior to approval of building permit, post signage in truck loading docks and truck loading areas during operation of relevant uses.	
Traffic Noise ▶ Project applicant(s) of projects under the Specific Plan that propose noise-sensitive land uses in areas affected by traffic noise in excess of City standards shall incorporate feasible measures to reduce interior and exterior noise to meet the City's noise standards. ▶ Exterior noise levels for noise-sensitive land uses shall use all feasible mitigation to achieve a noise level of 60 dB Ldn or less as measured at outdoor activity areas (such as yards, common play areas, and other areas intended for gathering and recreation etc.) through the use of shielding with proposed buildings, site design, or other means. Where it is not possible to reduce noise in outdoor activity areas of proposed noise-sensitive uses to 60 dB Ldn or less using practical application of the best available noise reduction measures, an exterior noise level of up to	City of Riverbank	Identify strategies to reduce interior and exterior noise exposure, according to recommendations from an acoustical study, where appropriate, prior to issuance of building permit.	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
65 dB Ldn may be allowed. ▶ Interior noise levels for noise-sensitive uses shall be mitigated according to City standards through acoustical glazing (thicker glass or increased air space between panes) in frames with low air infiltration rates, using fixed (nonmovable) acoustical glazing, increasing wall mass (using stucco or brick in lieu of wood siding), isolating wall members by the use of double or staggered stud walls, mounting interior walls on resilient channels, reducing door area, using solid-core doors, acoustically sealing door perimeters with suitable gaskets, roof treatments, and/or other feasible and effective means. ▶ If future projects could result in potentially significant impacts associated with exceeding City ambient noise standards, the City may require the preparation of an acoustical analysis to study noise mitigation strategies for the purpose of decreasing noise levels through site or building design.			
Vibration ▶ Projects that propose uses that could generate substantial long-term vibration shall provide analysis and mitigation, as necessary, to achieve vibration levels, as experienced at habitable structures of existing and planned vibration-sensitive land uses, of less than 80 VdB. ▶ The City will not allow development of new habitable areas of residential uses, which exclude semi-occupied areas such as hallways, bathrooms, and storage areas, within 80 feet from the center of the railroad line. ▶ Pile driving required within a 95-foot radius of normal structures shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, pre-drilling, cast-in-place systems, resonance-free vibratory pile drivers, press-in pile	City of Riverbank	Identify strategies to reduce vibration and exposure to vibration levels prior to issuance of building permit.	

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
driving). Specifically, geo pier style cast-in-place systems or equivalent shall be used where feasible as an alternative to pile driving to reduce the number and amplitude of impacts required for seating the pile. ▶ Any proposed pile driving required within a 50-foot radius of any historic structures of greater than 45 years in age shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, pre-drilling, cast-in-place systems, resonance-free vibratory pile drivers, press-in pile driving). Specifically, geo pier style cast-in-place systems or equivalent shall be used where feasible as an alternative to pile driving to reduce the number and amplitude of impacts required for seating the pile. ▶ The existing condition of all buildings within a 50-foot radius and historic buildings of greater than 45 years in age within the immediate vicinity of proposed pile driving activities shall be recorded in the form of a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating any damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. Any damage will be repaired back to its preexisting condition. ▶ Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of any historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures. ▶ Provide protective coverings or temporary shoring of any on-site or adjacent historic features as necessary,			

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
in consultation with the City.			
Recreation			
Parks ► Policy PUBLIC-11.1: New developments shall set aside land and dedicate improved parkland according to City standards at a minimum rate of five acres per 1,000 residents. Landscaped areas along streets or other rights-of-way without trails, or other park and recreational facilities do not count toward this standard. Other open spaces without park facilities do not count toward the five-acre parkland minimum, although this land may be required to meet open space or landscaping requirements of the City’s applicable development codes. For small projects, in cases of financial hardship, or where the required facility would serve areas outside the proposed project or plan, the City may allow participation in an in-lieu fee program to provide improved parkland. The distribution of parkland shall be as follows: ○ Community Parks: Minimum of 1.5 acres per 1,000 residents. Minimum of 15 acres in size. Specific design and facilities are as directed by the City based on population density, demographic structure, community preferences, use levels, and other criteria. ○ Neighborhood Parks: Minimum of 1.5 acres per thousand residents. Minimum of 5 acres in size. Maximum of ½ mile from all proposed residences. Specific design and facilities are as directed by the City based on population density, demographic structure, community preferences, use levels, and other criteria. ○ Playgrounds, plazas, tot lots, linear parks, recreation trails, and other similar parklands may count for up to 1.5 acre per thousand of	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
the 5-acre standard. Maximum of ¼ mile from all proposed residences. There is no minimum size. Specific design and facilities are as directed by the City based on population density, demographic structure, community preferences, use levels, and other criteria. ► Policy PUBLIC-11.2: The City of Riverbank will maintain park in-lieu fees at a level adequate to provide parks in a ratio of acres to population, as established by this element. ► Policy PUBLIC-11.3: The City will maintain and improve existing parks and develop new parks to serve existing developed portions of the City, as feasible. ► Policy PUBLIC-11.4: The City will encourage the use of greenways and natural open space areas for certain compatible recreational opportunities, such as pedestrian pathways, while preserving important ecological habitats.			
Utilities			
Solid Waste ► Policy PUBLIC-5.1: The City will approve new developments only if adequate capacity exists to accommodate solid waste demand, including processing, recycling, transportation, and disposal. ► Policy PUBLIC-5.2: The City will encourage provision of recycling and conservation service and public education to reduce the amount of solid waste at the landfill.	City of Riverbank	Prior to issuance of building permit	
Transportation and Traffic			
4.5-1: Contribute Fair Share toward the Cost of Signalizing the SR 108 / Santa Fe Street Intersection ► Projects accommodated under the Specific Plan shall contribute, on a fair-share basis, to the cost of signalizing the intersection of SR 108 and Santa Fe Street.	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ The City will ensure that the signal is installed when warrants are actually satisfied or are expected to be satisfied. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.			
4.5-2: Contribute to Fair Share toward the Cost of Modifying the SR 108 (Callander Avenue) / Patterson Road Intersection ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of modifying the intersection of SR 108 (Callander Avenue) and Patterson Road to add either a second northbound through lane or a separate right turn lane. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-3: Contribute Fair Share toward the Cost of improving the Patterson Road / Roselle Avenue Intersection ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of improving the Patterson Road / Roselle Avenue intersection by paying adopted infrastructure fees. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
4.5-4. Install All-Way Stop ▶ The City shall have installed an all-way stop sign at the intersection of Santa Fe Street and 1st Street as traffic volumes grow with land use change under the Specific Plan in order to deliver satisfactory LOS.	City of Riverbank	Prior to issuance of building permit	
4.5-5: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 1st Street ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 1st Street. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program. ▶ The intersection and crossing gates shall be coordinated to ensure safe circulation in the area surrounding this intersection and the BNSF railroad crossing.	City of Riverbank	Prior to issuance of building permit	
4.5-6: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 3rd Street ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 3rd Street. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-7: Contribute Fair Share toward the Cost of Signalizing the Patterson Road / 8th Street Intersection ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
signalizing the intersection of Patterson Road and 8th Street. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.			
4.5-8: Contribute Fair Share toward the Cost of Improving the Intersection of SR 108 and Claus Road ► Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of improving the intersection of SR 108 and Claus Road. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.	City of Riverbank	Prior to issuance of building permit	
4.5-9: Contribute Fair Share toward the Cost of Adding Left-Turn Lanes ► Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of adding northbound and southbound left-turn lanes at the intersection of Patterson Road and Roselle Avenue and left-turn lanes on both the Santa Fe Street and 1st Street approaches at the intersection of Santa Fe and 1st Streets. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.	City of Riverbank	Prior to issuance of building permit	
4.5-10: Contribute Fair Share toward the Cost of Widening Callander Avenue ► Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of widening Callander Avenue to four lanes by improving the frontage of parcels along SR 108 to accommodate two through travel lanes in each direction. ► The City shall collect fair-share traffic fees from	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.			
4.5-11: Contribute Fair Share towards the Cost of Widening Patterson Road ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of widening Patterson Road by paying adopted fees. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.	City of Riverbank	Prior to issuance of building permit	
4.5-12: Contribute Fair Share towards the Cost of Adding Southbound Right-Turn Lane ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of adding a southbound right-turn lane at the intersection of Atchison Street and 1st Street. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.	City of Riverbank	Prior to issuance of building permit	
4.5-13: Contribute Fair Share towards the Cost of Widening Patterson Road ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of widening Patterson Road. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.	City of Riverbank	Prior to issuance of building permit	
4.5-14: Contribute Fair-Share towards the Cost of Maintaining and Improving Railroad Crossings ▶ The City will review traffic data, in communication with the California Public Utilities Commission to identify improvements needed to ensure public safety in portions of the Specific Plan surrounding at-grade railroad crossings. ▶ As appropriate and feasible, the City will condition approval of projects under the Specific Plan that add	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
traffic across at-grade crossings to participate, on a fair-share basis, in the funding for improvements needed to ensure the public safety, as determined by the City. ► Such improvements may include coordinated traffic signals, enhanced rail crossing signage, warning equipment, and markings, and grade-separations, which shall be added to the City’s infrastructure fee program, as appropriate.			
4.5-15: Construct Pedestrian and Bicycle Amenities and Appropriate Connections to Existing Facilities ► The City will ensure that pedestrian and bicycle amenities needed to serve the Specific Plan Area are constructed and accompanied by appropriate connections to existing facilities that avoid “gaps” in the circulation system. ► Projects accommodated under the Specific Plan shall construct frontage improvements, as required by the City, to provide sidewalks and other streetscape improvements.	City of Riverbank	Prior to issuance of building permit	
4.5-17: Contribute Fair Share to Widening Callander Avenue ► Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of widening Callander Avenue to a four-lane section. ► The fair-share contribution shall include frontage improvements as applicable and widening SR 108 at the Santa Fe Street intersection when traffic signals are installed to as to accommodate two through lanes in each direction when the balance of the roadway is also widened. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.	City of Riverbank	Prior to issuance of building permit	
4.5-18: Contribute Fair Share towards the Cost of Widening 1st Street (Implement Mitigation Measure 4.5-12.)	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
► Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of adding a southbound right-turn lane at the intersection of Atchison Street and 1st Street. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area.			
4.5-19: Contribute Fair Share toward the Cost of Signalizing the SR 108 / Santa Fe Street Intersection <i>(Implement Mitigation Measure 4.5-1.)</i> ► Projects accommodated under the Specific Plan shall contribute, on a fair-share basis, to the cost of signalizing the intersection of SR 108 and Santa Fe Street. ► The City will ensure that the signal is installed when warrants are actually satisfied or are expected to be satisfied. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-20: Contribute Fair Share towards the Cost of Modifying the Intersection of SR 108 (Callander Avenue) and Patterson Road ► Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of modifying the intersection of SR 108 (Callander Avenue) and Patterson Road to add a second northbound through lane. ► The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and add this improvement to the City's infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
4.5-21: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 3rd Street <i>(Implement Mitigation Measure 4.5-6.)</i> ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 3rd Street. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.			
4.5-22: Contribute Fair Share toward the Cost of Signalizing the Intersection of Patterson Road and 8th Street <i>(Implement Mitigation Measure 4.5-7.)</i> ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of signalizing the intersection of Patterson Road and 8th Street. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and shall include this improvement in an updated infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-23: Contribute Fair Share toward the Cost of Signalizing the Clause Road / Santa Fe Intersection ▶ Projects accommodated under the Specific Plan shall contribute on a fair-share basis to the cost of signalizing the intersection of Claus Road and Santa Fe Street. ▶ The City shall collect fair-share traffic fees from projects developed within the Specific Plan Area and add this improvement to the City's infrastructure fee program.	City of Riverbank	Prior to issuance of building permit	
4.5-24: Contribute Fair Share towards the Cost of Maintaining and Improving Railroad Crossings <i>(Implement Mitigation Measure 4.5-14.)</i>	City of Riverbank	Prior to issuance of building permit	

Table 1-1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
▶ The City will review traffic data, in communication with the California Public Utilities Commission to identify improvements needed to ensure public safety in portions of the Specific Plan surrounding at-grade railroad crossings. ▶ As appropriate and feasible, the City will condition approval of projects under the Specific Plan that add traffic across at-grade crossings to participate, on a fair-share basis, in the funding for improvements needed to ensure the public safety, as determined by the City. ▶ Such improvements may include coordinated traffic signals, enhanced rail crossing signage, warning equipment, and markings, and grade-separations, which shall be added to the City's infrastructure fee program, as appropriate.			

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	March 25, 2013
Subject:	Resolution Authorizing the Submittal of an Application in Response to the 2013 State Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA)
From:	Jill Anderson, City Manager
Submitted by:	Marisela Hernandez, Director of Finance/Housing Rosa Casas, Housing Specialist II

RECOMMENDATION

It is recommended that the City Council 1) Open the Public Hearing for public comment, and 2) Authorize the approval of an application for funding and execution of a grant agreement from the 2013 Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA) from the State of California.

SUMMARY

The City of Riverbank Housing Division is preparing a Community Development Block Grant (CDBG) Program application for \$1,000,000 in response to the January 2013 Notice of Funding Availability (NOFA). The grant requires the adoption of a Resolution authorizing the City Manager, or her designee, to perform the following:

1. Submit an Application on behalf of the City of Riverbank,
2. Execute a Standard Agreement if selected for such funding,
3. Execute any documents necessary to participate in the CDBG Program.

The Housing Division is proposing a grant application to provide funding for the Housing Rehabilitation Assistance and the Homeownership Assistance Program (First-Time Homebuyers Program) in the amount of \$1,000,000.

BACKGROUND

The State of California Department of Housing and Community Development (HCD) released the 2013 Notice of Funding Available for the Community Development Block Grant (CDBG) Program. The Notice of Funding Available (NOFA) announced the

availability of approximately \$41,197,906 in federal fund allocations available to local non-entitlement municipalities.

Every CDBG-funded activity we apply for must meet one of the following two National Objectives:

1. Benefit to low- and moderate-income persons; or,
2. Prevention or elimination of slums or blight.

The City has been very successful in the submittal of grant applications in previous years. Previously awarded grants include the following:

- Ø 2003: \$500,000 – 4 Home Rehabilitation Projects
- Ø 2004: \$1,454,000 – 17 Home Rehabilitation & First-Time Home Buyer Projects
- Ø 2010: \$400,000 – 5 Home Rehabilitation Projects

The Housing Division has prepared an application for the following two programs:

1. Home Rehabilitation and,
2. First Time Home Buyers Assistance

On February 25, 2013 the City Council held a public hearing to solicit public input on additional projects or programs to be considered for inclusion on the 2013 CDBG NOFA application. The City Council provided direction to move forward with applying for funds for the Home Rehabilitation and the First-Time Home Buyers Assistance Program, in addition to researching the possibility of applying for a Micro-Enterprise Grant which would provide funding for specialized trainings and other services to be provided to small businesses. Unfortunately, time did not allow for staff to fully research and prepare a tentative program that would provide a sufficient level of detail to be submitted for this year's application. The Housing Division, in conjunction with the Development Services Department, will begin to formulate the necessary plans in order to submit an application for Micro-Enterprise funding at the issuance of the 2014 Notice of Funding Availability.

It is recommended that the City Council approve an application for funding of \$1,000,000 from the 2013 Community Development Block Program Notice of Funding Availability from the Department of Housing and Community Development to be allocated in the following manner:

Program	Funding Allocation
Housing Rehabilitation	\$372,093
First Time Homebuyers Assistance	\$558,140
General Program Administration	\$69,767
Total Grant Request	\$1,000,000

FINANCIAL IMPACT

There is no financial impact associated with the approval of a Resolution for the submittal of a grant application and the execution of any necessary documents. Should the City's application be successful, \$930,233 in program funds will be available to residents.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK AUTHORIZING THE SUBMITTAL OF AN APPLICATION IN RESPONSE TO THE 2013 STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NOTICE OF FUNDING AVAILABILITY (NOFA)

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

SECTION 1:

The City of Riverbank has reviewed and hereby approves an application for up to \$1,000,000 for the following activities:

General Program Administration	\$69,767
Housing Rehabilitation – Single Unit Residential	\$372,093
Homeownership Assistance Program	\$558,140

SECTION 2:

The City has determined that federal Citizen Participation requirements were met during the development of this application.

SECTION 3:

The City of Riverbank hereby approves the use of Local Leverage Funding Sources in the amount of \$358,200 to be used as the City's leverage for this application.

Homeownership Assistance Program:

Private Contributions	\$7,500
Primary Lenders	\$350,000

Housing Rehabilitation Program:

Ownership In-Kind	\$700
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SECTION 4:

The City of Riverbank hereby approves the commitment of Program Income in the amount of \$0 during the grant terms.

SECTION 5:

The City of Riverbank authorizes and directs the City Manager Jill Anderson, or her designees, to sign this application and act on the City's behalf in all matters pertaining to this application.

SECTION 6:

If the application is approved, the City Manager Jill Anderson, or her designees, is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

SECTION 7:

If the application is approved, the City Manager Jill Anderson, or designees, is authorized to sign Fund Requests and other required reporting forms.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of March, 2013; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.3

SECTION 5: PUBLIC HEARING

Meeting Date:	March 25, 2013
Subject:	Authorize the Submittal of a Request for Release of Funds and Certification to the Department of Housing & Community Development for Community Development Block Grant and Program Income Funds
From:	Jill Anderson, City Manager
Submitted by:	Marisela Hernandez, Director of Finance/Housing Rosa Casas, Housing Specialist II

RECOMMENDATION

It is recommended that the City Council authorize the submittal of a Request for Release of Funds and Certification to the Department of Housing & Community Development for Community Development Block Grant and Program Income Funds.

SUMMARY

In order to expend any Community Development Block Grant (CDBG) or Program Income Funds related to CDBG grant activities, the City of Riverbank is required to submit a Request for Release of Funds and Certification to the Department of Housing & Community Development (HCD).

BACKGROUND

The Department of Housing & Urban Development (HUD) Community Development Block Grant Program (CDBG) is subject to environmental review in accordance with the National Environmental Policy Act (NEPA) regulations, California Environmental Quality Act (CEQA), and 24 CFR Part 58 Federal Regulation. These actions include finding a level of environmental clearance and requesting a release of funds from HUD (via the Department of Housing & Community Development of the State of California).

It is proposed that the submittal of this application for the release of funds will affect the current use of Program Income Funds as well as any future grant funds awarded to the City of Riverbank. Failure to submit this application can prohibit the City from the use of such funds for its First-Time Home Buyer Program and Housing Rehabilitation Program.

Having completed the applicable review procedures outlined in the Environmental Review Procedures under NEPA, CEQA, and other Federal laws, regulations, and executive orders, it has been determined that the projects will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under NEPA is not required.

With such finding having been made, the City is prepared to submit such documentation to the Department of Housing and Urban Development. Therefore, it is recommended that the City Council authorize the submittal of a Request for Release of Funds and Certification to the Department of Housing & Community Development for Community Development Block Grant and Program Income Funds.

FINANCIAL IMPACT

There is no direct financial impact with the submittal of the Request for Release of Funds and Certification. Failure to submit could result in the inability to use current Program Income Funds and Future CDBG Funds.

ATTACHMENT

1. Draft Request for Release of Funds and Certification

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) CFDA No. 14.218, CDBG	5. Name and address of responsible entity City of Riverbank 6707 Third Street Riverbank, CA 95367	
6. For information about this request, contact (name & phone number) Marisela Hernandez, (209) 863-7110	7. Name and address of recipient (if different than responsible entity) N/A	
8. HUD or State Agency and office unit to receive request State of California Department of Housing and Community Development-Community Development Block Grant		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) 5Year NEPA Clearance for Housing Rehabilitation Program, Home Buyers Program and Program Income Accounts	10. Location (Street address, city, county, State) City wide of Riverbank, CA
11. Program Activity/Project Description	

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☒ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Jill Anderson, City Manager

Date signed

X

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.4

SECTION 5: PUBLIC HEARING

Meeting Date:	March 25, 2013
Subject:	A Resolution to Transfer Funds within the CDBG Program Income Revolving Loan Accounts
From:	Jill Anderson, City Manager
Submitted by:	Marisela Hernandez, Finance Director Rosa Casas, Housing Specialist II

RECOMMENDATION

It is recommended that the City Council (1) Open public hearing, receive public input, and close public hearing; and (2) Adopt a Resolution approving a transfer of funds Amongst Program Income Revolving Loan Accounts.

SUMMARY

The Housing Division is recommending a reallocation of Program Income Funds to Revolving Loan Accounts that will help to provide much needed funding for the Housing Rehabilitation Program and the Microenterprise Program. It is proposed that the following reallocations be approved:

- \$15,000 from Homeownership Assistance
- \$20,000 from Business Assistance
- + \$30,000 to Housing Rehabilitation Program
- + \$5,000 to Microenterprise Financial Assistance Program

BACKGROUND

Program Income is defined by the Community Development Block Grant (CDBG) management manual as the gross income received by a jurisdiction which is directly generated from the use of CDBG funds. The City of Riverbank has used the CDBG funds for the Housing Rehabilitation Program since 1986 and the First Time Homebuyers Program since 2000. The grant funds are issued in the form of loans to the homeowners and any repayments of these loans are considered program income.

The gross income generated by the Community Development Block Grant programs is classified as Program Income which must be tracked and reported to CDBG annually.

The Program Income Reuse Plan identifies all proposed uses of the program income received and commits the jurisdiction to comply with all CDBG Program requirements inclusive of all federal requirements.

The Program Income received during the 2012-2013 fiscal year has been allocated to the four Revolving Loan Accounts (RLA's) as per the City of Riverbank's Program Reuse Plan percentage allocation:

- o Housing Rehabilitation RLA with 45% allocation
- o Homeownership Assistance RLA with 45% allocation
- o Business Assistance RLA with 5% allocation
- o Microenterprise Financial Assistance RLA with 5% allocation

Throughout the years several grants have been received which structured the CDBG Program Income portfolio that now exists. The Housing Rehabilitation Program in the City of Riverbank has produced many great outcomes since its inception in 1986 with its first grant. The last CDBG grant received was a three year grant which expired in 2010. The most recent project used a combination of CDBG grant and Program Income Housing Rehabilitation RLA funds.

As property values have decreased, the need for Housing Rehabilitation Assistance has drastically increased. Unfortunately the City has not received the level of Program Income as it has in the past. This has crippled the Program Income funding resource which had maintained the Housing Rehabilitation Program during non-grant fiscal cycles, causing the Housing Rehabilitation Program to become dormant until sufficient funding is received to reactivate the much needed program.

In preparation for the upcoming Community Development Block Grant and CalHome grant application submittals, the Housing Rehabilitation Program will be reactivated with the funding currently in Program Income. This will show strong support towards the City's capacity in serving the high interest in the Housing Rehabilitation Program.

Staff recommends that the City Council of the City of Riverbank approve the transfer of \$15,000 from the Homeownership Assistance Revolving Loan Account (RLA) and \$15,000 from the Business Assistance RLA into the Housing Rehabilitation RLA.

As the newest of the Revolving Loan Account, the Microenterprise Financial Assistance shows promising elements to the businesses in the City of Riverbank. Staff recommends that the City Council of the City of Riverbank approve the transfer of \$5,000 into the Microenterprise Financial Assistance Account to initiate programs that can become a stepping stone to the future effective use of the Business Assistance funds.

Below is an illustration of the status of the Program Income Account once transfer is approved.

	Current Balance	Adjustment Requested	Proposed Ending Balance
Homeownership Assistance	\$31,507	-\$15,000	\$16,507
Housing Rehabilitation	\$111,781	\$30,000	\$141,781
Business Assistance	\$25,754	-\$20,000	\$5,754
Microenterprise Financial Assistance	\$0	\$5,000	\$5,000
TOTAL	\$169,042	\$0	\$169,042

FINANCIAL IMPACT

\$35,000 of Program Income Funds transfer among Revolving Loan Accounts to be allocated as follows:

- \$15,000 from Homeownership Assistance
- \$20,000 from Business Assistance
- + \$30,000 to Housing Rehabilitation Program
- + \$5,000 to Microenterprise Financial Assistance Program

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE TRANSFER OF FUNDS AMONG PROGRAM INCOME
REVOLVING LOAN ACCOUNTS**

WHEREAS, the City Council of the City of Riverbank acknowledges the public hearing regarding the Program Income transfer of funds among the Revolving Loan Accounts (RLA); and,

WHEREAS, the City Council of the City of Riverbank approves the transfer of \$20,000 from the Business Assistance RLA with \$15,000 transferred into Housing Rehabilitation RLA, and \$5,000 transferred into Microenterprise Financial Assistance RLA; and,

WHEREAS, the City Council of the City of Riverbank approves the transfer of \$15,000 from the Homeownership Assistance RLA with \$15,000 transferred into Housing Rehabilitation RLA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the transfer of funds from the Business Assistance RLA and Homeownership Assistance RLA to the Housing Rehabilitation RLA and Microenterprise Financial Assistance RLA.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of March 2013; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	March 25, 2013
Subject:	Approval of Proposed Amendments to the League of California Cities' Bylaws by Mail Ballot
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council consider the two proposed amendments to the League's Bylaws and by majority consensus indicate whether a Yes or No vote on each amendment will be indicated on the mail ballot.

SUMMARY

At its February meeting the League's Board of Directors approved submitting two amendments to the League's Bylaws to the membership. The proposed amendments would amend the Bylaws to provide that:

1. Resolutions submitted to the League for presentation to the General Assembly must be concurred in by at least five or more cities or by city officials from at least five or more cities.
2. The League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present. Currently, the Board may take positions with a simple majority vote.

The Board's purpose in submitting the first proposed amendment is to encourage members to seek concurrence of other cities and city officials that the subject of a proposed resolution is a substantial one and of broad interest and importance to cities. The Board's purpose in submitting the second proposed amendment is to ensure that when the Board considers a position on possibly controversial statewide ballot measures, the Board's ultimate decision represents a broad consensus of the Directors.

To be approved, each amendment to the bylaws must receive a 2/3rd vote of those members voting. To consult the League's Bylaws: go to <http://www.cacities.org/>.

MAIL BALLOT ACTION

The following two mail ballot questions to vote on are as follows:

Does your city vote to approve the amendment of article VI, section 2 of the League's bylaws relating to submission of resolutions to the League's General Assembly as set forth in the Proposed Resolution and incorporated by reference in this ballot?

Yes / No

Does your city vote to approve the addition of article VII, section 16 to the League's bylaws relating to the League Board vote threshold for taking positions on statewide ballot measures as set forth in the Proposed Resolution and incorporated by reference in this ballot?

Yes / No

Upon determination of the votes to be made on the ballot, Mayor O'Brien will complete the mail ballot on behalf of the City Council of the City of Riverbank.

FINANCIAL IMPACT

There is no financial impact indicated by the League in consideration of these proposed amendments.

ATTACHMENT

The language of the proposed amendments is provided in the attached Resolution.

1. Proposed Resolution Relating to League Bylaws Amendments

PROPOSED RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS

WHEREAS, the League of California Cities is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, the League Board of Directors at its February 7-8, 2013 meeting approved submitting the following amendments to the League's bylaws to the League's membership by mailed ballot:

1. Article VI, section 2 of the League's bylaws is amended to read as follows:

"Resolutions may originate from city officials, city councils, regional divisions, functional departments, policy committees, or the League Board or by being included in a petition signed by designated voting delegates of ten percent of the number of Member Cities. Except for petitioned resolutions, all other resolutions must be submitted to the League with documentation that at least five or more cities, or city officials from at least five or more cities, have concurred in the resolution."

2. A new Article VII, section 16 is added to the League's bylaws to read as follows:

"Section 16: Positions on Statewide Ballot Measures.

Notwithstanding any other provision of these bylaws, the League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present."

Now, therefore, be it

RESOLVED, that the League Board of Directors at its April 24-25, 2013 meeting in Sacramento, California, after a canvass of mailed ballots, has determined that the above amendments to the League bylaws have been approved by a 2/3rd vote of those Member Cities voting. These amendments shall take effect 60 days after the approval of this resolution.

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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	March 25, 2013
Subject:	Presentation of the Grover Landscaping Contract for Park Maintenance
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council review and comment as needed on the presentation regarding the City's ongoing contract with Grover Landscaping for Park Maintenance.

SUMMARY

The City of Riverbank has two separate contracts with Grover Landscape Services. One contract is for Lighting and Landscaping District maintenance. This contract is overseen by the Development Services Department. The second contract is for Park Maintenance and this contract is with the Department of Parks and Recreation.

Sue Fitzpatrick, Director of Parks and Recreation will provide information to the City Council on the Park Maintenance contract and Kathleen Cleek with Development Services will provide information regarding the Lighting and Landscaping District Contract. While there are two separate written staff reports, it is requested that the City Council discuss the two contracts together at the March 25, 2013 meeting.

BACKGROUND

The last formal bid for landscaping services which involved the mowing of City parks was done in 2004. Since then more parks and other landscape areas were developed in the areas of the City with Landscaping and Lighting Districts, also known as the L&L areas. Grover Landscape was the low bidder for these areas and the contract has expanded as these areas were developed. The Landscape and Lighting district bid was separate from the original Park Maintenance bid.

In 2008 the Grover Contract with the Park and Recreation Department was greatly reduced as mowing in the areas outside the Landscape and Lighting Districts was taken

over by the City parks crew as a budget reduction measure. When the parks department absorbed this mowing responsibility it was with the understanding that a vacant full-time parks position would be filled. This vacant full time position was eliminated due to budgetary constraints and the current staff did their best to absorb the additional work.

Once the downtown was complete, the associated maintenance responsibilities also fell on the parks crew, along with the Plaza Del Rio and the 108 water feature. This work required a broader scope of maintenance tasks and a greater attention to detail; and therefore, more time than was available to perform the work at the frequency and quality desired by the City and the community. In addition, the City did not have all of the proper equipment needed to do the work effectively and a lack of funding for the purchase, as well as the repair, of certain equipment added to the challenge.

During that time in 2008-2009, another one of the City's full-time parks positions became vacant. It was suggested that this position not be filled and the contract with Grover Landscaping be brought back to cover the mowing of parks and the downtown maintenance. This decision saved the City over \$10,000.

CURRENT SERVICES

This past fiscal year the Grover Contract was reduced by giving the Alternate Work Program 5 City parks to mow. The responsibilities were given as follows:

Alternate Work Program

- Jacob Myers Park
- Community Center/Teen Center Park
- Whorton Park
- Safreno Park
- Staley Park

Grover Contract

- Sports Complex
- Castleberg Park
- Downtown Landscaping
- Plaza Del Rio Park
- Museum
- Pioneer Park
- Hutcheson Park
- Gray areas: Claus Road Wall section, Hwy 108 Water Feature landscaping, Terminal wall and Topeka east of Jackson area

The plan that was developed with the Alternate Work Program was to mow the City's parks, provide supervision, as well as equipment. Although, the workers did an adequate job, the ability to mow weekly and keep up with the work was unsuccessful.

The equipment was not purchased as planned and the City received multiple complaints from the community. The plan is to continue to use the AWP program on a reduced level and add the mowing back into the contract with Grover Landscape.

The Grover Landscaping agreement has been altered on an annual basis with the addition and subtraction of services. No fees have been increased during this process. The park department is satisfied with the service, response time and communication that Grover Landscape Services provides.

FINANCIAL IMPACT

The cost of services provided by Grover for Park Maintenance was \$96,480 in Fiscal Year 2011-2012. In this fiscal year, 2012-2013, the impact will be approximately \$80,000 due to the plan for the AWP workers (Alternate Work Program) to mow 5 of our City Parks.

The next fiscal year financial impact will be presented during the budget presentations. Funding for the Park Maintenance contract is a general fund item.

ATTACHMENT

There is no attachment to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6 : NEW BUSINESS

Meeting Date:	March 25, 2013
Subject:	Presentation Regarding Landscape and Lighting Districts Contract with Grover Landscaping Services, Inc.
From:	Jill Anderson, City Manager
Submitted by:	J.D. Hightower, Development Services Director Kathleen Cleek, Sr. Management Analyst

RECOMMENDATION

It is recommended that the City Council receive the presentation and provide comment as appropriate.

SUMMARY

A presentation has been scheduled to provide an overview of the maintenance services that Grover Landscaping Services, Inc. provides to the Landscape & Lighting Districts. The services highlighted in this report are funded through an annual assessment paid by the property owners in the respective districts.

BACKGROUND

The City sent out a request for proposal in 2006 for maintenance and landscape services for the five landscape districts and two storm drain basin districts. The proposal received by Grover Landscape Services, Inc. detailed the lowest cost for the maintenance of these districts. The contract was executed on August 24, 2006 and has continued for the past six and one-half years. Since the inception of the contract Grover has provided exceptional customer service and quick responses to immediate requests.

Staff has direct personal contact with the Maintenance and Renovations Operations Manager. He is a certified arborist who has been in the landscape industry for over 26 years. Grover maintains an excellent reputation in the Central Valley as a company who takes pride in their work. In addition, the company currently has 11 employees who live in Riverbank.

SCOPE OF WORK

The maintenance contract includes mowing all lawn areas, trimming around sprinklers

and mowing strips, maintain lawns in a weed-free condition, aerate lawn areas in streets and medians, fertilizer application, control pests including rodents and snails, trim shrubs, hedges, and ground covers, remove dead or diseased shrubs, annual flowerbeds changed quarterly, climbing vines kept trimmed, tree pruning, clean up, trash pick-up, and seasonal leaf pick up. Other services such as repairs, tree removals, vandalism and extra work not detailed in contract are done at an additional cost with prior approval from the City.

SERVICE

Grover employees and supervisors take pride in their work and continually check on the areas they maintain after hours and on weekends. Many maintenance issues are handled at no additional charge to the city. Grover continues to support community events such as Beyond Earth Day. For the past six and one-half years city staff has built a positive working relationship with management. This has helped the city to receive exceptional service for the landscape & lighting districts. The City has received minimal resident concerns regarding the maintenance of the landscaping & lighting districts, and Grover personnel dealt with any concerns received immediately.

FINANCIAL IMPACT

The costs associated with services provided in the Landscape and Lighting Districts are funded by assessments paid by the property owners in the respective districts, so they are not General Fund expenses. For the past six and one-half years Grover Landscape Service has not increased rates for maintenance costs in any of the districts. Grover's low maintenance costs have allowed the city to reduce or keep rates the same for the past 3 years. Reserves have been built up, which have allowed extra maintenance, repairs, and improvements to be made within the districts. The annual cost for each of the areas maintained is noted below:

Sierra Vista Estates – Annual Cost \$600.00
River Cove – Annual Cost \$27,125
Consolidated (South Bend) – Annual Cost \$600.00
Consolidated (Elmwood Estates) – Annual Cost \$600.00
Consolidated (Chianti) – Annual Cost \$600.00
Consolidated (Sterling Ridge) – Annual Cost \$12,900
Consolidated (Eastwood Estates) – Annual Cost \$600.00
Ridgewood Place – Annual Cost \$600.00
Crossroads – Monthly Cost \$11,083/ Annual Cost \$132,996
Heartlands Storm Drain District – Annual Cost \$5,100
Sterling Ridge Storm Drain District – Annual Cost \$3,600

The total annual cost of the service to all the areas noted above is approximately \$185,321, not including emergency repairs or special projects.

ATTACHMENTS

There are no attachments to this report.