CITY OF RIVERBANK

REGULAR CITY COUNCIL AND THE LOCAL REDEVELOPMENT AUTHORITY BOARD MEETINGS

(The City Council also serves as the LRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B• Riverbank • CA • 95367

AGENDA

TUESDAY, AUGUST 8, 2017– 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT WWW.RIVERBANK.ORG)

CALL TO ORDER: Mayor/Chair Richard D. O'Brien

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Riverbank Ministerial Association

ROLL CALL: Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell

CHANGES TO THE AGENDA: Mayor/Chair Richard D. O'Brien

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

1. PRESENTATIONS

Item 1.1: Proclamation – National Health Center Week – August 2017.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

3. CONSENT CALENDAR

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

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

Item 3.B: Approval of the July 25, 2017, City Council and Local Redevelopment Authority Minutes.

Item 3.C: **A Resolution Approving Final Map 01-2017 for McRoy Wilbur Diamond Bar Estates – West McRoy Wilbur Communities VTM No. 01-2014 –** Approve the Final Map ("FM") for Diamond Bar Estates - West based on the required finding that the map is in conformity with the provisions of state law and city code. Final Map 01-2017 Diamond Bar Estates – West – APN: 062-020-005, -019, and -027. The project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) single-family detached residential lots (overall density of 5.11 du/acre), one (1) storm drainage basin, associated street, sewer, water, and storm drainage improvements.

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

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

The public notice for Item 5.1 was published in the Modesto Bee on 7/29/2017.

Item 5.1: **Conduct the First Reading by Title Only and Introduction of A Proposed Ordinance Amending Title XI: Business Regulations, Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation; and Amending Title XI: Business Regulations, Chapter 110, Section 110.19: Delivery by Vehicle to the Riverbank Municipal Code of Ordinances** – Based on direction from Council, it is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval as presented, which initiates the second reading by title only at the August 22, 2017, regular City Council meeting or soon thereafter to consider its adoption.

6. NEW BUSINESS

Item 6.1: **A Resolution Adopting either Track 1 or Track 2 of the Statewide Trash Provisions Ordered by the State Water Resources Control Board under Section 13383 to meet the Statewide Water Quality Objective for Zero Trash** – It is recommended that the City Council receive presentation on Statewide Trash Provisions ordered by the Water Board under Section 13383 and consider adopting a method of compliance to meet the statewide water quality objective for zero trash in the City's storm drain systems.

Item 6.2: **A Resolution Approving and Adopting the Revised City of Riverbank Expenditure Plan Project List for Measure L Funds and Approve a $130,000 Loan from the Local Transportation Fund (LTF) to complete the Project** – It is recommended that the City Council consider adopting the proposed changes to the City of Riverbank's Measure L Expenditure Plan Project List for local streets and roads, traffic management, and bike and pedestrian improvement projects, and approve a loan from the Local Transportation Fund (LTF) to complete the project. Funds will be repaid upon the receipt of Measure L Funds.

Item 6.3: **A Resolution of the City Council of the City of Riverbank, California, Authorizing the Expenditure of the Awarded Housing Related Parks Grant Funds for: 1.) the Renovation of the Community Pool Locker Rooms and ADA Improvements; or 2.) the Partial Renovation of the Community Center** – It is recommended that the City Council receive information on the Housing Related Parks Grant Funds awarded to the City and by roll call vote select an option for the expenditure of the funds.

7. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

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

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

Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS**

Item 9.2: Report from Closed Session Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: 1 potential case**

ADJOURNMENT **(The next regular City Council meeting – Tuesday, August 22 @ 6:pm)**

UPCOMING EVENTS:

City Hall Friday Office Hours	• **City Offices are Closed Alternating Fridays** o Friday: August 4 and August 18 **– OPEN** from 8:am to 5:p.m. o Friday: August 11 and August 25 **– CLOSED**
2017 Canceled Regular City Council Meetings	• **City Council voted to cancel the following regular meetings:** o Tuesday, May 23, 2017 o Tuesday, July 11, 2017 o Tuesday, December 26, 2017

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

AFFIDAVIT OF POSTING

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

Posted this 3rd day of August, 2017
/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

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

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION

Meeting Schedule	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. **The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office**, **6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board.** A subscription to receive the agenda 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 or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Televised / Video of Meetings	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	August 8, 2017
Subject:	Proclamation – National Health Center Week – August 2017
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council read the Proclamation for National Health Center Week – August 2017; and present to Matt Stevens on behalf of Golden Valley Health Centers.

SUMMARY

It is estimated that one in every fifteen people living in the United States depend on the services of health centers because they offer high quality medical attention at an affordable cost to local residents and communities. Health Centers provide services to people regardless of their insurance coverage or ability to pay. In the Central Valley, Golden Valley Health Centers provide critical medical, dental, behavioral health, pharmacy, and specialty services to 150,000 patients throughout Merced and Stanislaus Counties. Golden Valley Health Centers serve all races and ages, and have 28 health centers in Merced and Stanislaus Counties which include four school-based health centers, two women's health centers, eight dental clinics, and two homeless healthcare programs. In addition, Golden Valley Health Centers manage chronic conditions and give patients an alternative to costlier health care locations such as hospital emergency rooms; this in turn aids in the reduction of overall cost for medical attention. Therefore, Golden Valley Health Centers is requesting the City Council of the City of Riverbank to recognize the week of August 13 – 19, 2017 as National Health Center Week and join in celebrating the important partnership between America's Health Centers and the patients whom rely on their services.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Proclamation

CITY OF RIVERBANK

PROCLAMATION

NATIONAL HEALTH CENTER WEEK

WHEREAS, For over 50 years, Community Health Centers have provided high-quality, affordable, comprehensive primary and preventative health care in our nation's underserved communities, delivering value to, and having a significant impact on, America's health care system; and

WHEREAS, As the country's largest primary care network, Health Centers now serve as the health care home for over 25 million Americans in over 10,000 delivery sites across the nation; and

WHEREAS, Our local Community Health Center, Golden Valley Health Centers, provides critical medical, dental, behavioral health, pharmacy, and specialty services to 150,000 patients throughout Merced and Stanislaus Counties; and

WHEREAS, Health Centers are locally controlled by patient-majority boards, ensuring that the patients of each Health Center are engaged in their own health care decisions; and

WHEREAS, Golden Valley Health Centers is a locally owned and operated non-profit organization that serves as a critical economic engine, helping to power the local economy by generating millions of dollars in combined economic impact in some of the region's most economically deprived communities; and

WHEREAS, Golden Valley Health Centers continues to prove an effective means of overcoming barriers to health care access, including geography, language, income and insurance status, and in doing so, improves health care outcomes and reduces health care system costs; and

WHEREAS, Golden Valley Health Centers reduces overall costs of care by managing chronic conditions and keeping patients out of costlier health care settings, like hospital emergency rooms; and

WHEREAS, National Health Center Week offers the opportunity to recognize America's Health Centers, their dedicated staff, board members, and all those responsible for their continued success. During this National Health Center Week, we celebrate the 45th anniversary of Golden Valley Health Centers and the vital role they play in the well-being of our community.

NOW, **THEREFORE, WE, THE CITY COUNCIL OF THE CITY OF RIVERBANK,** do hereby proclaim August 13th – August 19th, 2017, as National Health Center Week. We encourage all Americans to take part in this week by visiting Golden Valley Health Centers and celebrating the important partnership between America's Health Centers and the patients they serve.

August 8, 2017

_____

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	August 8, 2017
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board 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 / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDAR

Meeting Date:	August 8, 2017
Subject:	Approval of the July 25, 2017, City Council and Local Redevelopment Authority Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

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

SUMMARY

The Draft Minutes of the July 25, 2017, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. July 25, 2017, City Council and LRA Minutes

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

MINUTES OF
TUESDAY, JULY 25, 2017

Verbatim proceedings of the meetings may be viewed on-line or a copy may be provided for a fee.

CALL TO ORDER:

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

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL: Mayor/Chair Richard D. O'Brien
Present Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – ***Mayor O'Brien announced that the LRA Item 6.2 would be addressed upon telephone connection with the LRA Attorney, George Schlossberg. No one objected.***

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

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Introduction of Parks and Facilities Supervisor. – ***Director of Parks and Recreation Sue Fitzpatrick introduced new Supervisor Ron Werner.***

Item 1.2: 2017 Riverbank Cheese & Wine Exposition Update. – ***Event Coordinator Chris Ricci, of Chris Ricci Presents, presented the update*****.**

TELEPHONE CONNECTION WAS MADE WITH LRA ATTORNEY SCHLOSSBERG; CITY COUNCIL PROCEEDED TO ADDRESS LRA ITEM 6.2 NEXT.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

No one spoke.

3. CONSENT CALENDAR

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

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

Item 3.B: Approval of the June 27, 2017, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution [No. 2017-055]** Authorizing the Submittal of the Fiscal Year 2016-2017 Annual Program Income Report for the Community Development Block Grant Program for the Department of Housing and Community Development.

Item 3.D: A **Resolution [No. 2017-056]** Authorizing the Submittal of the 2016-2017 Community Development Block Grant (CDBG) Annual Performance Reports.

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

ACTION: ***By motion moved and seconded (Campbell / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A through 3.D, as presented; Motion carried by unanimous City Council and LRA Board general consent vote.***
AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor/Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

4. UNFINISHED BUSINESS

There were no items to consider.

5. PUBLIC HEARINGS

There were no items to consider.

6. NEW BUSINESS

Item 6.1: **Designation of Voting Delegate and Alternate(s) to Attend the 2017 League of California Cities Annual Conference** – It is recommended that City Council designate a Voting Delegate and appoint one or two alternates to attend the 2017 League of California Cities Annual Conference on September 13 - 15 in Sacramento to participate in the process of considering issues and taking action on resolutions that establish League policy.

City Manager Sean Scully presented the staff report. City Council nominated Councilmember Barber-Martinez as the primary Voting Delegate and Vice Mayor Jones Cruz as the Alternate.

ACTION: ***By motion moved and seconded (Campbell / Fosi / passed 5-0) to designate Councilmember Barber-Martinez as the City's primary Voting Delegate and Vice Mayor Jones Cruz as the Alternate Voting Delegate to the Annual Business Meeting of the 2017 League Conference, as presented.***

Motion carried by unanimous City Council general consent vote.

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

LRA Item 6.2: **A Resolution [2017-057] of the City Council of the City of Riverbank Approving the Economic Development Conveyance Memorandum of Agreement for the Transfer of the Riverbank Army Ammunition Plan from the United States Government to the Riverbank Local Redevelopment Authority** – It is recommended that Riverbank Local Redevelopment Authority ("RLRA") review and authorize a resolution that executes the Memorandum of Agreement ("MOA") to the Economic Development Conveyance ("EDC") application for transfer of the former Riverbank Army Ammunition Plant ("RAAP") to the City of Riverbank.

LRA Executive Director Debbie Olson presented the staff report. LRA Attorney George Schlossberg was available for questions via telephone. Paragraph 3.03. Salvage Material of the MOA was revised by the U.S. Army to address the "Salvage Material" emanating from salvage and scrap as a result of the ESCA and reads as follows:

"3.03. Salvage Material. Environmental Services Cooperative Agreement (ESCA), W912DY-13-2-0402, provides that certain Army personal property items remediated by the RLRA are anticipated to be suitable for recycling or salvage pending transfer of ownership of those items by the Army to the RLRA, authorizes the RLRA to retain any net proceeds from recycling or salvage activities, and requires that Army convey ownership of such remediated personal property items to the RLRA before such items may be removed from the Property. Concurrent with the Parcel B Closing, the Army shall convey to the City title to such salvage material by bill of sale substantially in the form of the draft instrument set forth in Exhibit D-4 - Bill of Sale for Salvage Material, attached hereto and made apart hereof. "

ACTION: ***By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to adopt LRA Resolution No. 2017-057 with MOA revision to paragraph 3.03 Salvage Material, approving the Economic Development Conveyance Memorandum of Agreement for the Transfer of the Riverbank Army Ammunition Plan from the United States Government to the Riverbank Local Redevelopment Authority as presented. Motion carried by unanimous City Council roll call vote.***

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

MAYOR/CHAIR O'BRIEN CALLED FOR A BRIEF RECESS AT 6:28 P.M.

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 6:39 P.M. AND PROCEEDED WITH THE ORDER OF THE AGENDA, RETURNING TO SECTION 2. PUBLIC COMMENT.

7 COMMENTS/REPORTS

A brief report on attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

- ***Planning and Building Manager Donna Kenney announced the current open recruitment to fill a Planning Commissioner Seat.***
- ***Parks and Recreation Director Sue Fitzpatrick announced that the City was awarded a CDBG Grant of approximately $375,000, which would cover the needed pool renovations; City Council consideration and direction of how the funds should be used will be presented to City Council at an upcoming Council meeting..***

Item 7.2: Council/Authority Member

- ***Council/Authority Member Barber-Martinez: 1) Announced the Healthy Aging Association's August 17th Riverbank Event, 2) announced her attendance of the League of California Cities, "Summer End of the Session Briefing" webinar; a brief report will be provided at a following Council meeting, and 3) and announced Riverbank's National Night Out next Tuesday [08/01/17].***
- ***Vice Mayor/Chair Jones Cruz announced that [Riverbank's Parks and Recreation] movie night at Jacob Myers Park begins August 5th.***

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) commented on the necessity of keeping Code Enforcement engaged to continue to move the City forward, 2) announced that he was working on having a collective Mayors' [within the County] property tax revenue sharing negotiations with Stanislaus County to achieve a more balanced [percentage] allocation of tax revenue agreement between the County and Cities.

8. CLOSED SESSION

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

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEM AND OPENED THE ITEM FOR PUBLIC COMMENT; NO ONE SPOKE. THE CITY COUNCIL AND LRA BOARD MEETINGS WERE ADJOURNED TO CLOSED SESSION AT 6:54 P.M.

LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Government Code Section 54956.8
Property: APN #062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: U.S. Army

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 7:53 P.M.

Item 9.1: Report on Closed Session on Item 8.1: **CONFERENCE WITH LABOR NEGOTIATORS**

Mayor/Chair O'Brien reported that direction was provided to staff..

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:54 p.m.

ATTEST: (*Adopted 08/08/2017*) **APPROVED:**

_____ _____

Annabelle H. Aguilar, CMC **Richard D. O'Brien**
City Clerk / LRA Recorder **Mayor / Chair**

DRAFT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3 : CONSENT CALENDAR

Meeting Date:	**August 8, 2017**
Subject/ Title:	A **Resolution** Approving Final Map 01-2017 for McRoy Wilbur Diamond Bar Estates – West McRoy Wilbur Communities VTM No. 01-2014
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

Approve the Final Map ("FM") for Diamond Bar Estates - West based on the required finding that the map is in conformity with the provisions of state law and city code. **Final Map 01-2017 Diamond Bar Estates – West – APN: 062-020-005, -019, and -027.** The project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) single-family detached residential lots (overall density of 5.11 du/acre), one (1) storm drainage basin, associated street, sewer, water, and storm drainage improvements.

BACKGROUND:

On March 24, 2015, the Riverbank City Council adopted Resolution No. 2015-020 thereby approving Tentative Subdivision Map No. 01-2014 for the development of Diamond Bar Estates - West for 58 single family residential lots. A map extension request of 120 days was approved by the Planning Commission on March 21, 2017. The State provides an automatic 60 day extension when an extension request is made to the City Engineer. A second request has been made with the additional 60 days ending mid-September.

The developer has been working on the on-site and off-site improvements including the installation of utilities, curb, gutter, sidewalks, roads, and stormwater basin. The subdivision improvements are nearly complete and fee credits owed by the City to the developer are more than adequate to cover the remaining work. Four (4) homes on Santa Fe Street are nearly complete and the developer is in contract with buyers on them. Permits were recently submitted on two (2) more homes and the developer is

hoping to pull six (6) additional building permits as soon as all-weather roads and compaction/water line testing are complete.

Pursuant to Riverbank Municipal Code Section §152.074 (C)(2), the City Council shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it is determined to be in conformity with the provisions of law and of this chapter. The Council shall disprove the map if it is determined not to be in conformity with the provisions of law and of this chapter and shall advise the subdivider of its disapproval, and the reason or reasons thereof.

The City Engineer and Planning and Building Manager have reviewed the final map and have determined that the plans are in substantial compliance with city standards and with the conditions placed upon the tentative map, including Swainson's Hawk mitigation and annexing into the city-wide Community Facilities District (CFD). The developer has also provided the funding necessary for the City to obtain a right-of-way agent and begin the process of acquiring Well Site #11, a condition of approval on several tentative maps in the Bruinville area.

FISCAL IMPACT:

Short term is revenue neutral; fees are paid for inspections, processing fees, and System Development Fees. Long term impact is normally negative as service costs are never fully recovered. Future payments into the city-wide CFD will greatly reduce those service costs.

ATTACHMENTS:

1. Resolution
2. Final Map 01-2017

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING FINAL MAP 01-2017 FOR DIAMOND BAR ESTATES – WEST MCROY WILBUR COMMUNITIES VTM NO. 01-2014

WHEREAS, McRoy Wilbur Communities is the developer for Diamond Bar Estates - West VTM No. 01-2014 (11.34 Acres and 58 Single Family Residential Lots); and

WHEREAS, Subdivider shall pay all fees due the City of Riverbank as required by City Ordinances and Policies, including those that have been deferred; and

WHEREAS, Subdivider recognizes that the City of Riverbank may withhold future building permits should adopted Mitigation Measures not be implemented in a timely manner.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the City Engineer to record Final Map 01-2017 for Diamond Bar Estates - West, McRoy Wilbur Communities VTM No. 01-2014 (11.34 Acres and 58 Single Family Residential Lots) upon determination that the map is in conformity with the provisions of state law and city code.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of August, 2017; motioned by Councilmember ___, seconded by Councilmember ___; motion carried by the following City Council vote of :

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:	**APPROVED:**
_____	_____
Annabelle H. Aguilar, CMC	**Richard D. O'Brien**
City Clerk	**Mayor**

Attachment: Copy of Final Map 01-2017

PROPOSED

DIAMOND BAR WEST
VTSM MAP APPLICATION #01-2014

BEING A SUBDIVISION OF PORTIONS OF LOTS 262 AND 263 OF RIVERBANK IRRIGATED FARMS, AS SHOWN IN VOLUME 7, PAGE 23 OF MAPS, AND PARCEL 1 AS SHOWN IN BOOK 54, PAGE 40 OF PARCEL MAPS, STANISLAUS COUNTY RECORDS, LYING IN A PORTION OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA
AUGUST 2017

VVH CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
Tel: 209.568.4477 Fax: 209.568.4478

OWNERS' STATEMENT:

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE, OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP, AND WE CONSENT TO THE MAKING AND THE FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER. WE ALSO OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC USE ALL STREETS, AVENUES, ROADS, EASEMENTS, AND OTHER PUBLIC PLACES AND DEDICATIONS AS SHOWN WITHIN THE EXTERIOR BOUNDARY OF THE LAND BEING DIVIDED.

DATED THIS _____ DAY OF _____ , 20___ .

OWNER: MCROY-WILBUR COMMUNITIES, INC.,
A CALIFORNIA CORPORATION

_____
MARK S WILBUR – PRESIDENT

BENEFICIARY: JAMES AARTMAN

_____
JAMES AARTMAN

NOTARY STATEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF _____

ON _____ , 20___ , BEFORE ME, _____ .

A NOTARY PUBLIC, PERSONALLY APPEARED _____

_____ .

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: _____ COMMISSION NUMBER: _____

PRINCIPAL COUNTY OF BUSINESS: _____ MY COMMISSION EXPIRES: _____

NOTARY STATEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF _____

ON _____ , 20___ , BEFORE ME, _____ .

A NOTARY PUBLIC, PERSONALLY APPEARED _____

_____ .

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: _____ COMMISSION NUMBER: _____

PRINCIPAL COUNTY OF BUSINESS: _____ MY COMMISSION EXPIRES: _____

m:\0310\05\survey\drawing\sheet files\PM\pm01-cert.dwg rpbrennan 8/1/17 13:14

PLANNING COMMISSION & CITY COUNCIL CERTIFICATE:

THIS IS TO CERTIFY THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP RECOMMENDED BY THE PLANNING COMMISSION AT A DULY AUTHORIZED MEETING HELD ON THE _____ DAY OF _____ , 20___ , AND APPROVED BY THE CITY COUNCIL AT A DULY AUTHORIZED MEETING HELD ON THE _____ DAY OF _____ , 20___ , AND THE ZONING ORDINANCE OF THE CITY OF RIVERBANK.

DATED THIS _____ DAY OF _____ , 20___ .

BY: _____
[name] SECRETARY OF PLANNING COMMISSION

CLERK OF THE BOARD OF SUPERVISORS CERTIFICATE:

THIS IS TO STATE THAT THE OWNERS OF THE PROPERTY SHOWN ON THE ACCOMPANYING MAP HAVE FILED WITH THE BOARD OF SUPERVISORS:

(CHECK ONE)

☐ A. A BOND OR DEPOSIT APPROVED BY SAID BOARD TO SECURE THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE AT THE TIME OF FILING THIS MAP, A LIEN AGAINST SAID PROPERTY OR ANY PART THEREOF.

☐ B. RECEIPTED TAX BILL OR BILLS OR SUCH OTHER EVIDENCE AS MAY BE REQUIRED BY SAID BOARD SHOWING FULL PAYMENT OF ALL APPLICABLE TAXES.

DATED THIS _____ DAY OF _____ , 20___ .

CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY, CALIFORNIA

BY: _____ , DEPUTY
PRINT NAME

TAX COLLECTOR'S STATEMENT:

THIS IS TO CERTIFY THAT THERE ARE NO LIENS FOR ANY UNPAID STATE, COUNTY, SCHOOL, MUNICIPAL, TAXES, OR SPECIAL ASSESSMENTS, EXCEPT SPECIFIC ASSESSMENTS OR TAXES NOT YET PAYABLE, AGAINST THE LAND SHOWN ON THIS MAP.

APN 062-020-005, 062-020-019, 062-020-027

GORDON B. FORO

DATED THIS _____ DAY OF _____ , 20___ .

BY: _____ , DEPUTY
PRINT NAME

CERTIFICATE OF DEDICATION:

THE FOLLOWING REAL PROPERTY IS DEDICATED BY THE OWNERS FOR THE PURPOSE OF A STORM DRAINAGE BASIN.

LOT A AS SHOWN ON THIS MAP

THE CITY OF RIVERBANK SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY OF RIVERBANK MAKES A DETERMINATION PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

SURVEYOR'S STATEMENT:

I, RYAN VANCE, HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, AND THAT THIS MAP, CONSISTING OF 6 SHEETS, CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN HEREON AND SHALL BE SET ON OR BEFORE DECEMBER 2017 IN THE POSITIONS INDICATED AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____ , 20___ .

{preliminary submittal for review only}
RYAN VANCE, L.S. 8225
LICENSE EXPIRATION DATE: 06/30/19

LICENSED LAND SURVEYOR
RYAN VANCE
No. 8225
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT:

THIS IS TO STATE THAT I HAVE EXAMINED THE ACCOMPANYING FINAL MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE STATE SUBDIVISION MAP ACT, AND THE MUNICIPAL CODE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THE MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____ , 20___ .

_____
WILLIAM F. KULL, CITY ENGINEER, LS 5792
EXPIRATION DATE: 06/30/18

CITY CLERK'S STATEMENT:

THIS IS TO CERTIFY THAT AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____ , 20___ , THE CITY COUNCIL OF THE CITY OF RIVERBANK, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, APPROVED THIS FINAL MAP AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE, THE STREETS, AVENUES, ROADS, EASEMENTS, AND OTHER PUBLIC PLACES AND DEDICATIONS AS SHOWN ON THIS FINAL MAP. SAID APPROVAL IS NOT TO BE CONSTRUED AS ACCEPTANCE OF THE REMAINING STREETS SHOWN THEREON.

DATED THIS _____ DAY OF _____ , 20___ .

BY: _____
[name], CITY CLERK

COUNTY RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____ , 20___ , AT _____ .M. IN BOOK _____ OF MAPS, AT PAGE _____ , AT THE REQUEST OF VVH CONSULTING ENGINEERS.

INSTRUMENT NO. _____

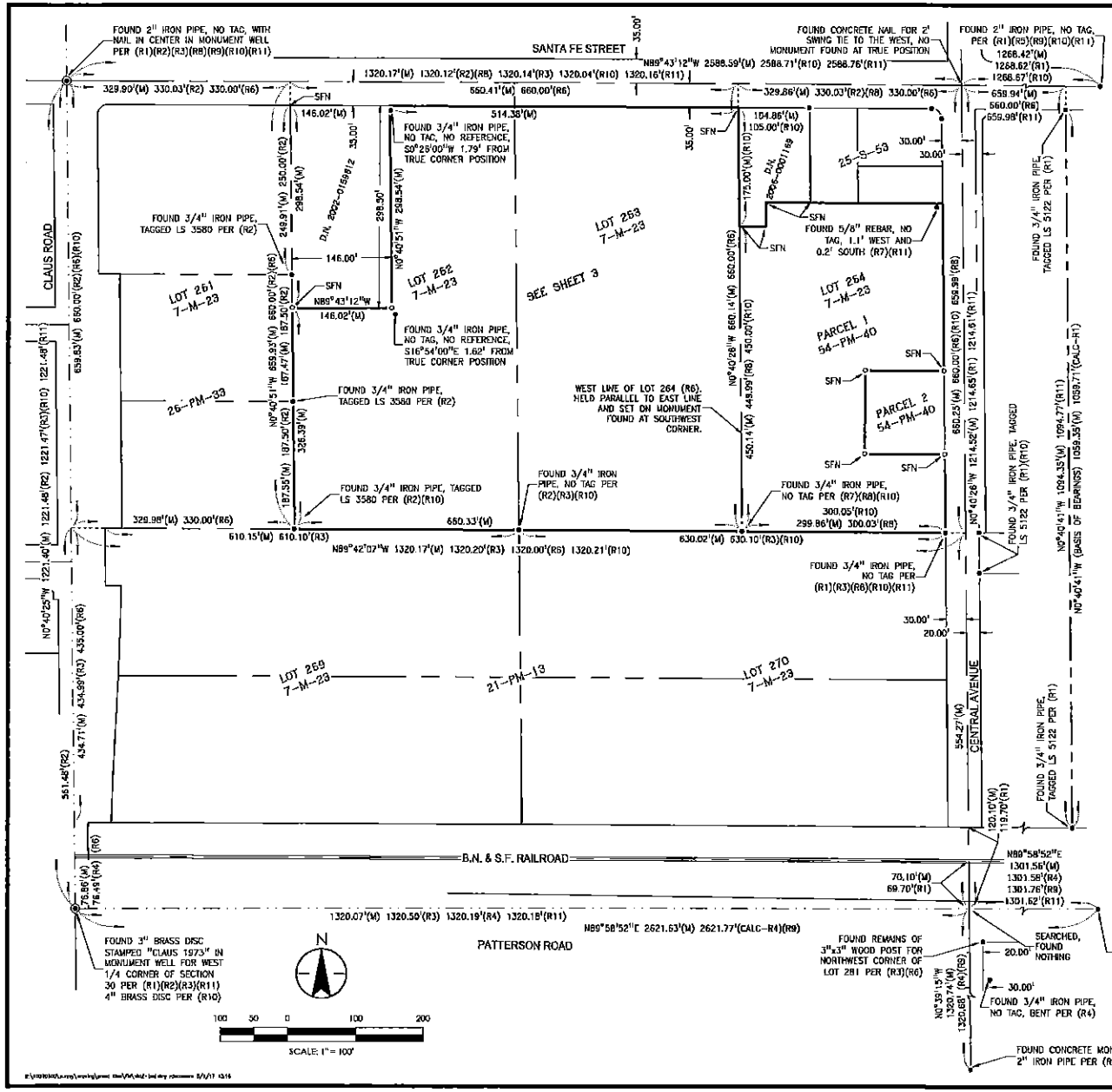
FEE $ _____

LEE LUNDRIGAN
COUNTY RECORDER OF
STANISLAUS COUNTY, CALIFORNIA

BY: _____
DEPUTY RECORDER

_____
PRINT NAME

STANISLAUS COUNTY FILE NO. _____



DIAMOND BAR WEST

VTSM MAP APPLICATION #01-2014

BEING A SUBDIVISION OF PORTIONS OF LOTS 262 AND 263 OF RIVERBANK IRRIGATED FARMS, AS SHOWN IN VOLUME 7, PAGE 23 OF MAPS, AND PARCEL 1 AS SHOWN IN BOOK 54, PAGE 40 OF PARCEL MAPS, STANISLAUS COUNTY RECORDS, LYING IN A PORTION OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA
AUGUST 2017

VTM CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
Tel: 209.568.4477 Fax: 209.568.4478

LEGEND:

—●—	FOUND AND ACCEPTED MONUMENT AS NOTED
—◉—	FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED
—o—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225.
—◎—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 IN A MONUMENT WELL.
—┬—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
S.C.R.	STANISLAUS COUNTY RECORD
RS	RECORD OF SURVEY
PM	PARCEL MAP
M	MAPS
(M)	MEASURED ON THIS SURVEY
L99	LINE DATA TABLE REFERENCE
C99	CURVE DATA TABLE REFERENCE
P.U.E.	PUBLIC UTILITY EASEMENT

BASIS OF BEARINGS:

THE BEARING OF N0°40'41"W FOR THE EAST BOUNDARY OF THE SURVEYED PROPERTY SHOWN IN BOOK 16 OF SURVEYS, PAGE 32, STANISLAUS COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES:

1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
3. ALL RECORD INFORMATION SHOW IS FROM STANISLAUS COUNTY RECORDS, UNLESS OTHERWISE SHOWN.
4. SEE SHEET 4 FOR ADDITIONAL DIMENSIONS AND FOUND MONUMENTS.

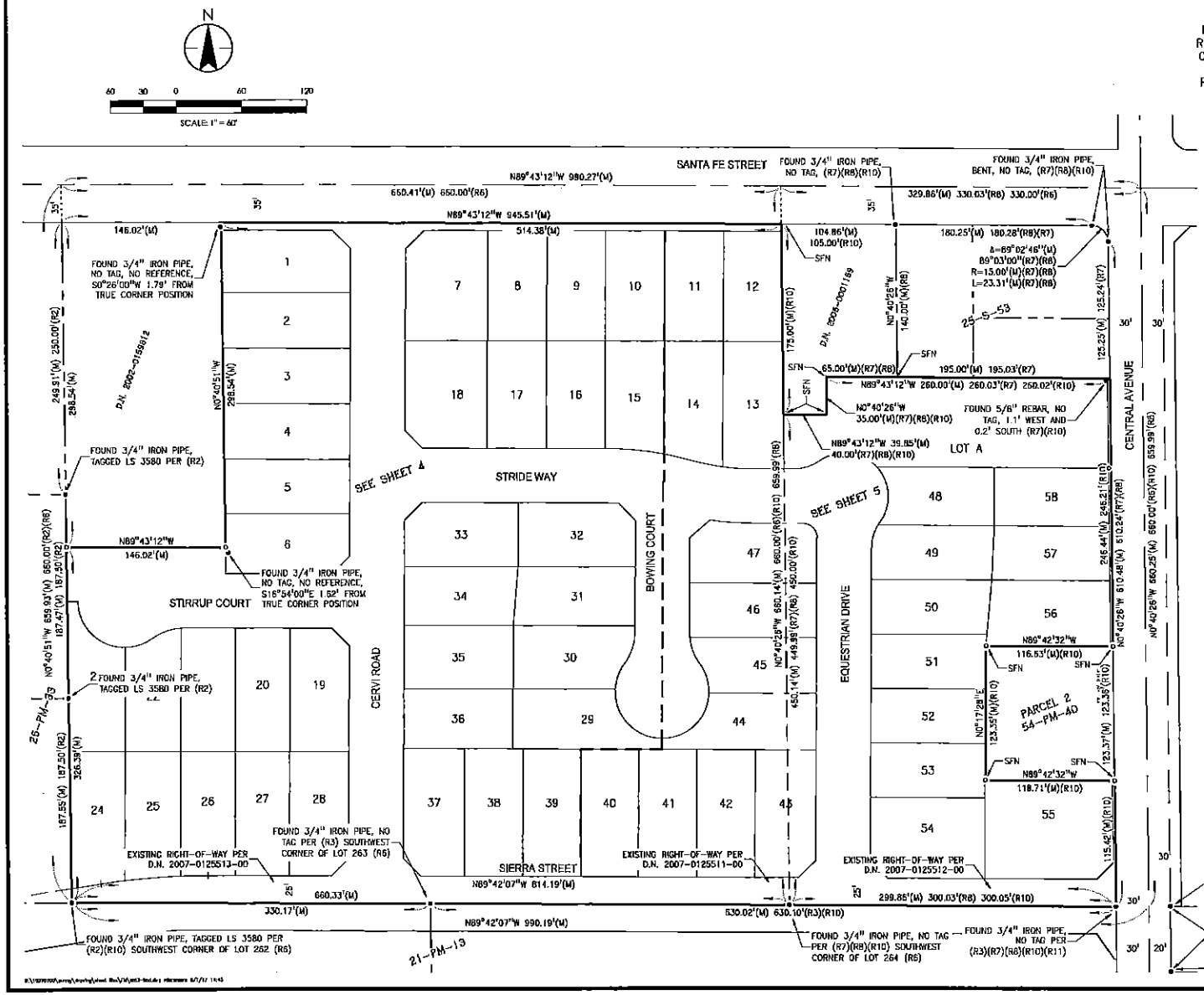
REFERENCES:

(R1) RECORD OF SURVEY, BOOK 16, PAGE 32
(R2) PARCEL MAP, BOOK 26, PAGE 33
(R3) PARCEL MAP, BOOK 21, PAGE 13
(R4) PARCEL MAP, BOOK 29, PAGE 32
(R5) PARCEL MAP, BOOK 12, PAGE 59
(R6) MAPS, BOOK 7, PAGE 23
(R7) RECORD OF SURVEY, BOOK 25, PAGE 53
(R8) PARCEL MAP, BOOK 22, PAGE 52
(R9) PARCEL MAP, BOOK 24, PAGE 87
(R10) PARCEL MAP, BOOK 54, PAGE 40
(R11) PARCEL MAP, BOOK 54, PAGE 29

DIAMOND BAR WEST

VTSM MAP APPLICATION #01-2014

BEING A SUBDIVISION OF PORTIONS OF LOTS 262 AND 263 OF RIVERBANK IRRIGATED FARMS, AS SHOWN IN VOLUME 7, PAGE 23 OF MAPS, AND PARCEL 1 AS SHOWN IN BOOK 54, PAGE 40 OF PARCEL MAPS, STANISLAUS COUNTY RECORDS, LYING IN A PORTION OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA
AUGUST 2017



VTM CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
Tel: 209.568.4477 Fax: 209.568.4478

LEGEND:

—•—	FOUND AND ACCEPTED MONUMENT AS NOTED.
—◉—	FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED
—○—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225.
—◎—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 IN A MONUMENT WELL.
—┬—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
S.C.R.	STANISLAUS COUNTY RECORD
RS	RECORD OF SURVEY
PM	PARCEL MAP
M	MAPS
(M)	MEASURED ON THIS SURVEY
L99	LINE DATA TABLE REFERENCE
C99	CURVE DATA TABLE REFERENCE
P.U.E.	PUBLIC UTILITY EASEMENT

BASIS OF BEARINGS:

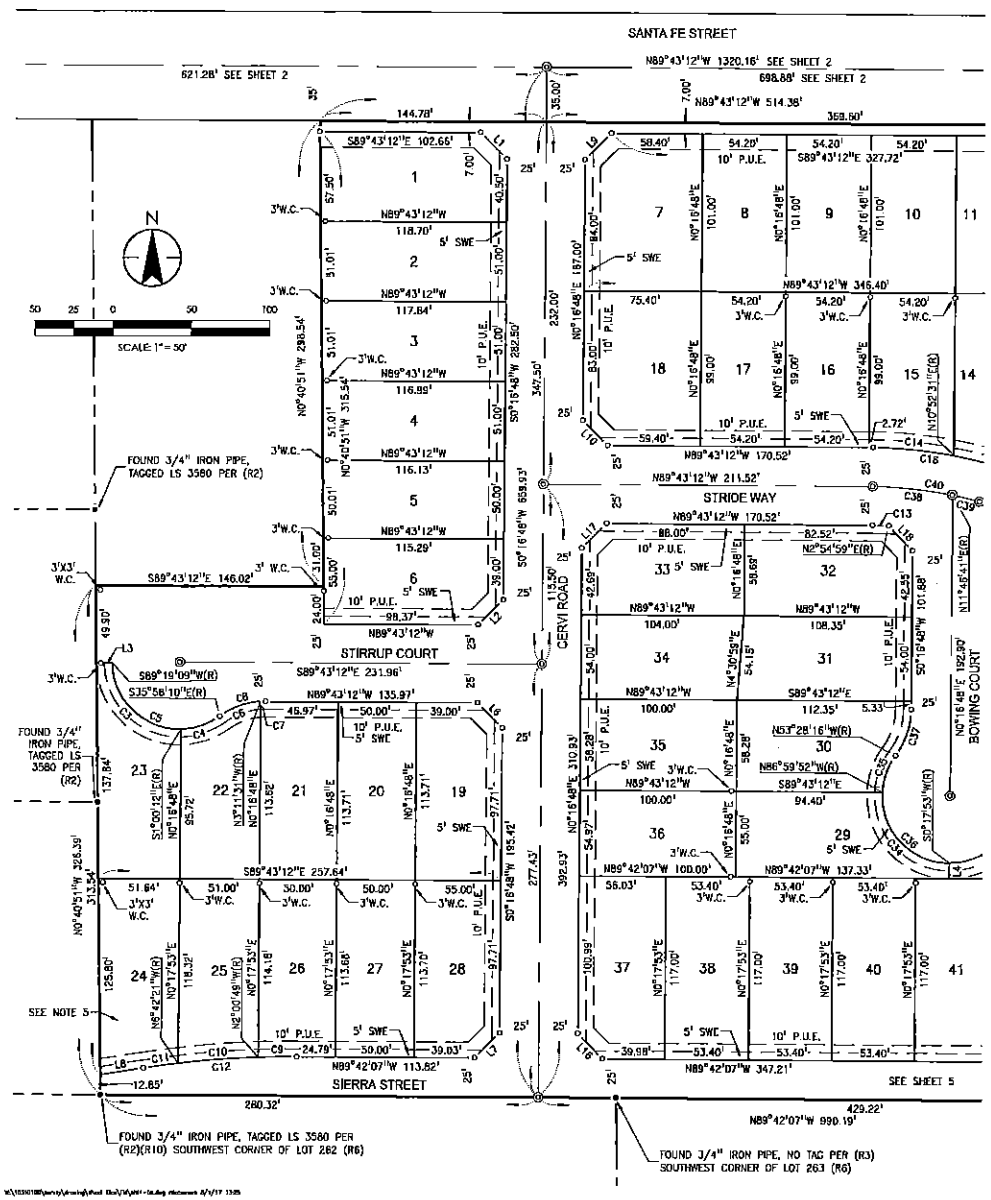
THE BEARING OF N0°40'41"W FOR THE EAST BOUNDARY OF THE SURVEYED PROPERTY SHOWN IN BOOK 18 OF SURVEYS, PAGE 32, STANISLAUS COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES:

1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
3. ALL RECORD INFORMATION SHOW IS FROM STANISLAUS COUNTY RECORDS, UNLESS OTHERWISE SHOWN.

REFERENCES:

(R1) RECORD OF SURVEY, BOOK 18, PAGE 32
(R2) PARCEL MAP, BOOK 26, PAGE 33
(R3) PARCEL MAP, BOOK 21, PAGE 13
(R4) PARCEL MAP, BOOK 29, PAGE 32
(R5) PARCEL MAP, BOOK 12, PAGE 59
(R6) MAPS, BOOK 7, PAGE 23
(R7) RECORD OF SURVEY, BOOK 25, PAGE 53
(R8) PARCEL MAP, BOOK 22, PAGE 52
(R9) PARCEL MAP, BOOK 24, PAGE 87
(R10) PARCEL MAP, BOOK 54, PAGE 40
(R11) PARCEL MAP, BOOK 54, PAGE 29



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S44°43'12"E	24.04'
L2	S45°16'48"W	22.63'
L3	N89°19'09"E	10.00'
L4	S0°17'53"W	10.00'
L5	S44°43'12"E	22.63'
L6	S45°17'20"W	22.64'
L8	S81°14'08"W	27.60'
L9	S45°16'48"W	24.04'
L10	S44°43'12"E	22.63'
L16	N44°42'40"W	22.64'
L17	N45°16'48"E	22.63'
L18	S43°31'55"E	22.03'

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C3	90°19'21"	43.00'	67.79'
C4	34°57'58"	43.00'	26.24'
C5	125°17'19"	43.00'	94.03'
C6	32°46'39"	50.00'	28.60'
C7	3°28'19"	50.00'	3.03'
C8	36°14'58"	50.00'	31.63'
C9	2°18'42"	625.00'	25.22'
C10	4°41'32"	625.00'	51.18'
C11	2°03'31"	625.00'	22.46'
C12	9°03'45"	625.00'	98.86'
C13	2°38'11"	230.00'	10.58'
C14	10°35'43"	280.00'	51.78'
C16	15°28'39"	280.00'	75.64'
C34	92°42'15"	43.00'	69.57'
C35	33°31'36"	43.00'	25.16'
C36	252°29'56"	43.00'	189.49'
C37	36°14'56"	50.00'	31.53'
C38	11°29'54"	285.00'	51.17'
C39	3°58'46"	255.00'	17.71'
C40	15°28'40"	255.00'	68.88'

LOT AREA TABLE	
LOT	SF
1	6708
2	6032
3	5988
4	5944
5	5786
6	6188
7	7471
8	5474
9	5474
10	5474
15	5447
16	5366
17	5366
18	7337
19	6126
20	5686
21	5685
22	5335

LOT AREA TABLE	
LOT	SF
23	5823
24	6169
25	5911
26	5688
27	5685
28	6126
29	6017
30	6103
31	5959
32	6234
33	5976
34	5508
35	5828
36	5498
37	6425
38	6248
39	6248
40	6248

DIAMOND BAR WEST

VTSM MAP APPLICATION #01-2014

BEING A SUBDIVISION OF PORTIONS OF LOTS 262 AND 263 OF RIVERBANK IRRIGATED FARMS, AS SHOWN IN VOLUME 7, PAGE 23 OF MAPS, AND PARCEL 1 AS SHOWN IN BOOK 54, PAGE 40 OF PARCEL MAPS, STANISLAUS COUNTY RECORDS, LYING IN A PORTION OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA
AUGUST 2017

VTM CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
Tel: 209.568.4477 Fax: 209.568.4478

LEGEND:

—•—	FOUND AND ACCEPTED MONUMENT AS NOTED.
—◉—	FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED
—▫—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225.
—◎—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 IN A MONUMENT WELL.
—┬—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
S.C.R.	STANISLAUS COUNTY RECORD
RS	RECORD OF SURVEY
PM	PARCEL MAP
M	MAPS
(M)	MEASURED ON THIS SURVEY
L99	LINE DATA TABLE REFERENCE
C99	CURVE DATA TABLE REFERENCE
P.U.E.	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT
W.C.	WITNESS CORNER

BASIS OF BEARINGS:

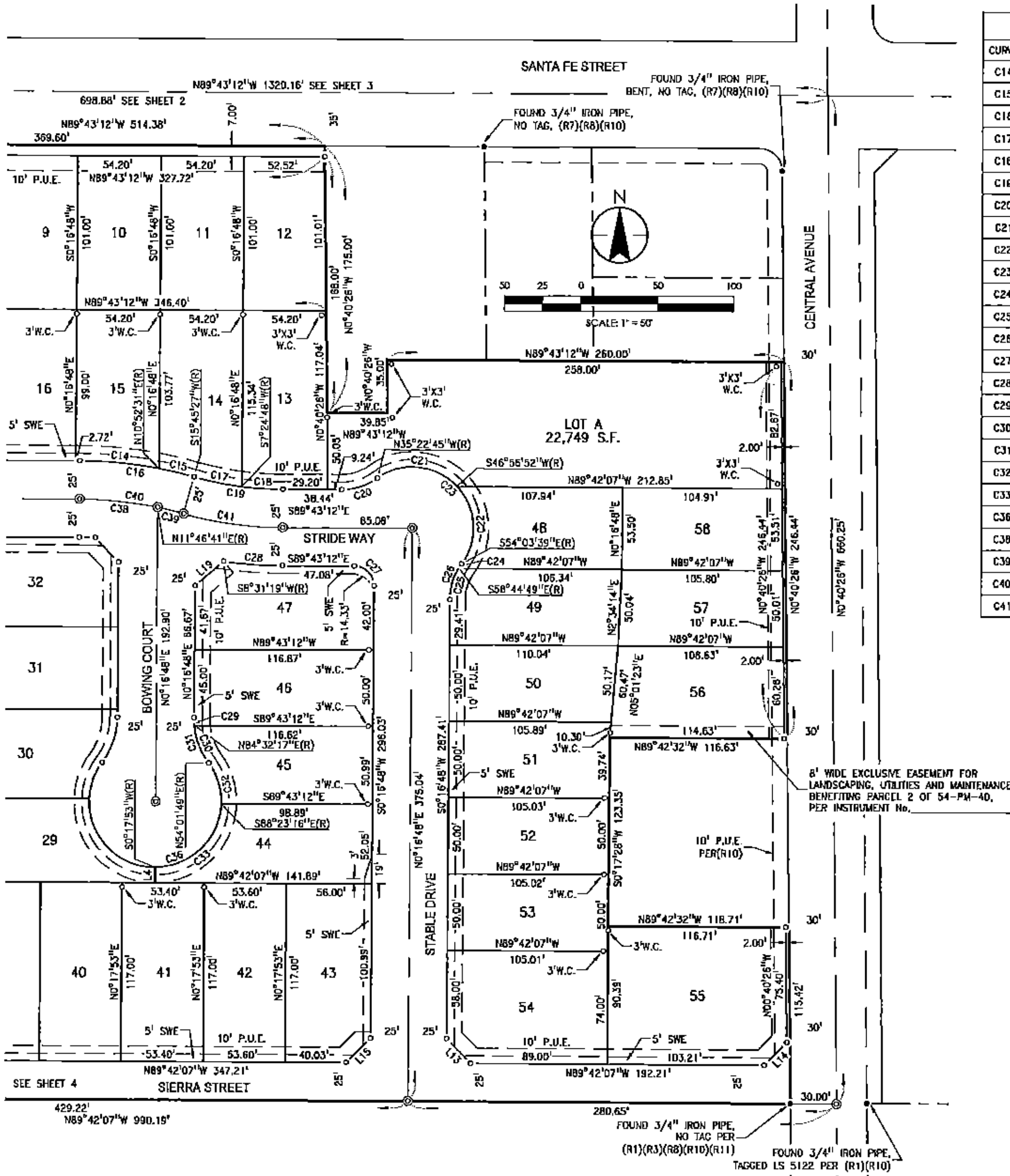
THE BEARING OF N0°40'41"W FOR THE EAST BOUNDARY OF THE SURVEYED PROPERTY SHOWN IN BOOK 18 OF SURVEYS, PAGE 32, STANISLAUS COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

REFERENCES:

(R1) RECORD OF SURVEY, BOOK 18, PAGE 32
(R2) PARCEL MAP, BOOK 25, PAGE 33
(R3) PARCEL MAP, BOOK 21, PAGE 13
(R4) PARCEL MAP, BOOK 29, PAGE 32
(R5) PARCEL MAP, BOOK 12, PAGE 59
(R6) MAPS, BOOK 7, PAGE 23
(R7) RECORD OF SURVEY, BOOK 25, PAGE 53
(R8) PARCEL MAP, BOOK 22, PAGE 52
(R9) PARCEL MAP, BOOK 24, PAGE 87
(R10) PARCEL MAP, BOOK 54, PAGE 40
(R11) PARCEL MAP, BOOK 54, PAGE 29

NOTES:

1. WITNESS CORNERS: FRONT LOT CORNERS ON INTERIOR STREETS SHOWN WILL BE 1.00 FOOT OFFSET ON THE LOT LINE PROJECTION INTO THE STREET RIGHT OF WAY. FRONT LOT CORNERS ON EXTERIOR STREETS SHOWN WILL BE 1.00 FOOT OFFSET ON THE LOT LINE.
2. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
3. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
4. ALL RECORD INFORMATION SHOWN IS FROM STANISLAUS COUNTY RECORDS, UNLESS OTHERWISE NOTED.
5. TEMPORARY TURN AROUND EASEMENT. EASEMENT TO REMAIN AND LOTS 24 AND 25 WILL REMAIN AS "UNBUILDABLE LOTS" UNTIL SIERRA STREET IS CONNECTED TO THE WEST.



DIAMOND BAR WEST

VTSM MAP APPLICATION #01-2014

BEING A SUBDIVISION OF PORTIONS OF LOTS 262 AND 263 OF RIVERBANK IRRIGATED FARMS, AS SHOWN IN VOLUME 7, PAGE 23 OF MAPS, AND PARCEL 1 AS SHOWN IN BOOK 54, PAGE 40 OF PARCEL MAPS, STANISLAUS COUNTY RECORDS, LYING IN A PORTION OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA
AUGUST 2017

VVH CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
Tel: 209.568.4477 Fax: 209.568.4478

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C14	10°35'43"	280.00'	51.78'
C15	4°52'57"	280.00'	23.86'
C16	15°28'40"	280.00'	75.64'
C17	8°20'39"	217.00'	31.60'
C18	7°08'00"	217.00'	27.02'
C19	15°28'39"	217.00'	58.62'
C20	35°39'33"	40.00'	24.89'
C21	82°19'37"	40.00'	57.48'
C22	78°59'28"	40.00'	55.15'
C23	161°19'05"	40.00'	112.63'
C24	4°41'10"	40.00'	3.27'
C25	30°58'23"	40.00'	21.62'
C26	35°39'33"	40.00'	24.89'
C27	90°00'00"	13.00'	20.42'
C28	8°14'31"	267.00'	38.41'
C29	5°44'31"	50.00'	5.01'
C30	30°30'28"	50.00'	26.62'
C31	36°14'59"	50.00'	31.63'
C32	37°34'55"	43.00'	28.20'
C33	88°41'10"	43.00'	66.56'
C36	252°29'56"	43.00'	189.49'
C38	11°29'54"	255.00'	51.17'
C39	3°58'46"	255.00'	17.71'
C40	15°28'40"	255.00'	68.88'
C41	15°28'39"	242.00'	65.37'

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L4	N0°17'53"E	10.00'
L13	N44°42'40"W	22.63'
L14	S44°48'43"W	21.06'
L15	S45°17'20"W	22.64'
L19	N49°18'29"E	24.53'

LOT AREA TABLE	
LOT	SF
10	5474
11	5474
12	5389
13	6442
14	5958
15	5447
41	6248
42	6271
43	6426
44	5972
45	5460
46	5843
47	6329
48	5364
49	5514
50	5398
51	5256
52	5251
53	5251
54	7642
55	10506
56	6726
57	5361
58	5636

LEGEND:

—•—	FOUND AND ACCEPTED MONUMENT AS NOTED.
—◉—	FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED
—o—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225.
—⊚—	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 IN A MONUMENT WELL.
┬	SET 1/2" x 24" LONG IRON PIPE TAGGED L.S. 8225 AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
S.C.R.	STANISLAUS COUNTY RECORD
RS	RECORD OF SURVEY
PM	PARCEL MAP
M	MAPS
(M)	MEASURED ON THIS SURVEY
L99	LINE DATA TABLE REFERENCE
C99	CURVE DATA TABLE REFERENCE
P.U.E.	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT
WC	WITNESS CORNER

BASIS OF BEARINGS:

THE BEARING OF N0°40'41"W FOR THE EAST BOUNDARY OF THE SURVEYED PROPERTY SHOWN IN BOOK 18 OF SURVEYS, PAGE 32, STANISLAUS COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

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(R5) PARCEL MAP, BOOK 12, PAGE 59
(R6) MAPS, BOOK 7, PAGE 23
(R7) RECORD OF SURVEY, BOOK 25, PAGE 53
(R8) PARCEL MAP, BOOK 22, PAGE 52
(R9) PARCEL MAP, BOOK 24, PAGE 87
(R10) PARCEL MAP, BOOK 54, PAGE 40
(R11) PARCEL MAP, BOOK 54, PAGE 29

NOTES:

1. WITNESS CORNERS: FRONT LOT CORNERS ON INTERIOR STREETS SHOWN WILL BE 1.00 FOOT OFFSET ON THE LOT LINE PROJECTION INTO THE STREET RIGHT OF WAY. FRONT LOT CORNERS ON EXTERIOR STREETS SHOWN WILL BE 1.00 FOOT OFFSET ON THE LOT LINE.
2. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
3. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
4. ALL RECORD INFORMATION SHOWN IS FROM STANISLAUS COUNTY RECORDS, UNLESS OTHERWISE NOTED.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	August 8, 2017
Subject/ Title:	Conduct the First Reading by Title Only and Introduction of A Proposed **Ordinance** Amending Title XI: Business Regulations, Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation; and Amending Title XI: Business Regulations, Chapter 110, Section 110.19: Delivery by Vehicle to the Riverbank Municipal Code of Ordinances
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

Based on direction from Council, it is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval as presented, which initiates the second reading by title only at the August 22, 2017, regular City Council meeting or soon thereafter to consider its adoption.

SUMMARY

Over the past three months, the City Council has participated in a number of workshops and study sessions on the land use and regulatory issues surrounding recreational and medical marijuana. The workshops have been designed as an in-depth legal analysis of Proposition 64 - The Control, Regulate and Tax Adult Use of Marijuana Act ("Prop 64") and the associated regulatory decisions that required Council direction. Although Prop 64 has been enacted, some components of the law will not become fully realized until January 2018. Legal counsel has advised that decisions on regulation of those activities should be made prior to that time.

On April 25th, 2017 Council participated in the first of these workshops, which centered on Personal Cultivation. On June 13th, 2017 Council held a second workshop on Commercial Cultivation, Warehousing, and Manufacturing of Marijuana, and their associated land uses within Riverbank. The third and final workshop on June 22, 2017 focused on Retail Dispensaries and Lab Testing Facilities. Council provided direction on all of these topics and staff has returned with an ordinance to regulate them

(Attachment 1). The ordinance also addresses related issues like cannabis deliveries, signage, and waste management.

BACKGROUND AND ANALYSIS

Prop 64 was passed by voters on November 8, 2016. It allows adults aged 21 years and older to possess and use cannabis for recreational purposes. According to the Act, municipalities that ban cultivation or retail sales will not be eligible to receive certain tax revenues meant to enhance law enforcement, fire protection, or other public safety programs. On June 27, 2017, Governor Jerry Brown signed into law Senate Bill 94 which created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").

In 2008, the City Council passed Ordinance 2008-005 placing a ban on medical marijuana dispensaries within the City. In order to maintain local land use control of medical and commercially grown marijuana, the City then adopted Ordinance No. 2016-001 prohibiting the sale, cultivation and distribution of medical marijuana, with a limited exception for personal indoor cultivation. The adoption of Ordinance No. 2017-XXX would repeal and replace these two ordinances.

- **Cannabis Delivery:**

Every person who delivers products of any kind by the use of vehicles in the city is currently required to maintain compliance with RMC §110.19 DELIVERY BY VEHICLE and pay a fee of $10.00 per quarter. The proposed ordinance includes the delivery of all cannabis and cannabis products in Section 110.19 and replaces the $10 fee with "as amended time to time."

- **Cannabis Dispensaries:**

Cannabis dispensary licenses will be available for issuance at the State level. However, these licenses will require that the applicants first obtain local land use approval. Based on Council's direction, the attached ordinance permits one (1) cannabis dispensary for every sixteen thousand (16,000) in population and requires that a Development Agreement ("DA") within specific commercial, research and development, and industrial zoning districts is obtained.

- **Cannabis Cultivation for Personal Use:**

An Administrative Cultivation Permit ("ACP") is required to cultivate indoors a maximum of six (6) plants per parcel for personal use. "Indoors" includes both a personal residence and a secure shed or greenhouse located on the same property as the residence. Property owner permission is required. The residence must remain occupied and keep a functioning kitchen, bathroom(s), and the garage for their intended purposes. Ventilation, filtration, electrical, plumbing, building, and security or other plans must be submitted for staff review as each individual project dictates. Two inspections are required to obtain an ACP, which expires in one (1) year. At that time, an additional inspection is required to renew the permit.

- **Commercial Cannabis Cultivation:**

Commercial cultivation is only permitted indoors in a Cannery District (CD), Industrial District (I), or Light Industrial District (M-1) with a Development Agreement. Other requirements include a Conditional Use Permit, Employee Permits, a Secure Building, a Security Plan, Insurance, and a Waste Management Plan.

- **Commercial or Personal Use:**

Outdoor cultivation is expressly prohibited in all zones and planned development areas in the City of Riverbank and no permit(s) will be issued in any zone for it.

- **Cannabis Signage:**

Required for all Commercial and Industrial Cannabis Activities and Operations.
All signage must comply with zoning district requirements. A "Green Cross" is required near the main entrance of each building for wayfinding and to alert first-responders.

- **Cannabis Testing Laboratory:**

Prop 64 created provisions for independent laboratories which will be responsible for testing the commercial cannabis products to ensure that the THC, CBD and other details of the products are accurately represented to consumers. The facilities will likely operate similarly to most laboratory testing facilities but independent from any cultivator or dispensary to ensure unbiased results. Again, based on Council's direction, the attached ordinance permits one (1) cannabis testing laboratory for every sixteen thousand (16,000) in population and requires a Conditional Use Permit, which will provide additional review and consideration by the Planning Commission.

- **Cannabis Waste Management - Commercial:**

All commercial cannabis operations will need an approved waste management plan describing how their cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station or landfill. Any future reuse or recycling of the shredded materials to be used for hemp paper or cloth is required to be in their development agreement or conditional use permit. The recycling of light bulbs is also addressed.

CONCLUSION

Staff has tried to implement the direction Council provided during the three workshops held on cannabis. In addition, based on staff research, regulations were added on topics not discussed including the delivery of cannabis to dispensaries, cannabis waste management, and signage. Related items that will be brought to Council in the near future include amendments to affected zoning districts, the adoption of permit fees to cover implementation costs such as processing and inspections, and the development agreements required to commercially cultivate and dispense cannabis.

Concerning the issuing of state licenses for various cannabis activities, Prop 64 states under Health and Safety §26054 (b) No licensee under this division shall be located

within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. Under this code, the City would have the authority to modify a radius within a development agreement or conditional use permit.

FINANCIAL IMPACT

The financial impacts are not known at this time. Staff will analyze service demands and survey other cities to determine the fees associated with the issuance of permits, which will be brought to Council for approval. In addition, the City will negotiate and approve the costs, benefits, and amenities in each development agreement and conditional use permit as they come forward.

ENVIRONMENTAL DETERMINATION

The approval of any ordinance regarding cannabis is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the ordinance is required.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. Under the Goal of "Enhance Public Safety," two Objectives apply:

1. Recommend to the City Council for consideration marijuana option(s) for Riverbank. *This goal was met with the three workshops conducted by staff on April 25, June 13, and June 22, 2017.*
2. Present to the City Council for consideration the need for Code Enforcement Personnel to conduct marijuana oversight. *This staff report is the first step in achieving that goal. After staff analyzes service demands and completes its survey of other cities' fees, we will have a better understanding of the need for Code Enforcement Personnel to conduct oversight.*

ATTACHMENTS

1. Proposed City Council Ordinance No. 2017-XXX
2. Attachment 2 - Zoning Maps

THE CITY COUNCIL
OF THE CITY OF RIVERBANK
ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 120: BAN ON MEDICAL MARIJUANA DISPENSARIES AND COMMERCIAL AND OUTDOOR CULTIVATION; AND AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 110, SECTION 110.19: DELIVERY BY VEHICLE TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES.

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643) which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA establishes a statewide regulatory system for medical cannabis cultivation, manufacturing, delivery, testing, and dispensing; and

WHEREAS, in 2016, the voters of the State of California approved Proposition 64 entitled "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA" or "Prop 64"); and

WHEREAS, Prop 64 has legalized the nonmedical use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six (6) cannabis plants within a residence; and

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed MCRSA, included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity could operate in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the State, within that local jurisdiction. Furthermore, MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a cannabis business if approval of the State license will violate the provisions of any local ordinance or regulation; and

PROPOSED

WHEREAS, Local decisions on the regulation of cannabis activities should be made prior to January 1, 2018, when the State of California will begin issuing cannabis licenses; and

WHEREAS, the City Council finds that (1) outdoor cannabis cultivation, whether for medicinal or adult-use purposes, can adversely affect the health, safety, and well-being of city residents and shall be prohibited both commercially and personally; (2) city-wide regulation of indoor cannabis activities is proper and necessary to avoid the risks of criminal activity and the degradation of the natural environment that could result from indoor cultivation; and (3) that cannabis activity without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, the City Council of the City of Riverbank finds that this ordinance is consistent with the city's current prohibition of outdoor cultivation and that keeping cannabis activities indoors is in the best interest of the health, welfare and safety of the public.

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

SECTION 1: Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation, of Title XI: Business Regulations, of the Riverbank Municipal Code shall be replaced in its entirety and shall read as follows:

CHAPTER 120: CANNABIS REGULATIONS.

GENERAL PROVISIONS

§120.01 LEGISLATIVE INTENT

It is the intent of the city to encourage responsible personal and commercial cannabis activities and to discourage violations of related state laws, especially those that prohibit the sale, use, or distribution of cannabis and cannabis products to minors. It is not the intent of the city to expand, reduce, or alter the penalties for violations of state cannabis laws.

§120.02 CANNABIS DEFINITIONS

(A) Definitions. For the purposes of this chapter, the following definitions shall apply.

(1) CANNABIS has the same meaning as that term is defined by Cal. Business and Professions Code § 26001.

(2) CANNABIS BUSINESS means any business engaged in commercial cannabis activity including, but not limited to, a cannabis dispensary, and a cannabis testing laboratory.

(a) CANNABIS BUSINESS shall not include any of the following, as long as the location of such uses are otherwise regulated by this code or applicable law including Cal. Health and Safety Code §§ 1136.7 et seq.:

a. A clinic licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 1.
b. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 3.01.
c. A residential care facility for the elderly licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 3.2.
d. A residential hospice or a home health agency licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 8 and Chapter 8.5.

(b) CANNABIS BUSINESS as defined herein is not intended, nor shall it be construed, to apply to the cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined in Cal. Health and Safety Code § 11362.7 provided such activity complies strictly with all applicable state law, including but not limited to, Cal. Health and Safety Code §§ 11362.5 and 11362.765.

(3) CANNABIS DELIVERY. Any cannabis business that, pursuant to a Type 10 or Type 12 state cannabis license, delivers, makes available, or distributes cannabis and cannabis products to a consumer.

(4) CANNABIS DISPENSARY. Any physical location where medicinal or adult-use cannabis or cannabis products are sold at retail to customers pursuant to Business and Professions Codes § 26000 *et seq*.

(5) CANNABIS TESTING LABORATORY. A laboratory licensed pursuant to Business and Professions Codes § 26100 *et seq*. that meets the accreditation criteria in the International Organization for Standardization (ISO) guidelines known as ISO 17025. A Cannabis Testing Laboratory may test for cannabinoids, pesticides, water activity (microbial growth), and other substances in cannabis and cannabis products. A Cannabis Testing Laboratory may conduct other testing unrelated to cannabis.

(6) COMMERCIAL CANNABIS WASTE means cannabis plants and plant materials that are discarded by a cannabis business, including but not limited to extra vegetative plants, failed clones, and harvest waste. Said waste shall be documented, shredded, blended 50/50 with shredded

cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper or cloth shall be covered under a development agreement or conditional use permit. This definition shall not apply to indoor cultivation.

(7) COMMERCIAL CANNABIS ACTIVITY includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, including industrial manufacturing activities, or sale of cannabis or cannabis products that require a state license pursuant to Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cal. Business & Professions Code § 26000 *et seq*.).

(8) CULTIVATION means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(9) CULTIVATION SITE means the location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occur.

(10) DAY CARE means a facility, center, or home requiring a license that is issued by the State of California which provides for the care, health, safety, supervision, or guidance of a child's social, emotional, and educational growth on a regular basis, in a place other than the child's own home, or any facility meeting the definition of California Health and Safety Code Section 1596.76.

(11) GROUP HOME means any community care facility regulated and licensed by a Federal or State agency. Unlicensed community care facilities or those community care facilities the regulation of which is not otherwise preempted by State or Federal law shall not constitute group homes.

(12) INDOOR CULTIVATION means the cultivation of cannabis for personal use within a fully enclosed and secure structure that has a complete roof in which cannabis plants cannot be seen from any public right of way. Indoor cultivation does not include any commercial cannabis activity.

(13) OUTDOOR CULTIVATION means the cultivation of cannabis that does not meet the definition of indoor cultivation.

(14) CANNABIS FOR PERSONAL USE means the use or possession of cannabis that does not require a license pursuant to Cal. Business and Professions Code §§ 26000 et seq.

(15) PRIMARY CAREGIVER has the same meaning as that term is defined by Cal. Health and Safety Code §§ 11362.7.

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(16) QUALIFIED PATIENT has the same meaning as that term is defined by Cal. Health and Safety Code §§ 11362.7.

(17) YOUTH CENTER means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities

§ 120.03 ALL STATE AND LOCAL LICENSES REQUIRED.

(A) Any cannabis business that does not have all applicable state licenses is prohibited within the city.
(B) Any cannabis business allowed in the city shall be permitted pursuant a development agreement, a city business license, a conditional use permit, or a combination of the three, as set forth in this chapter.
(C) At the time of application to the city, every cannabis business applicant shall submit to the Director of Community Development a copy of its state license or state license application required for its operation.

REGULATIONS FOR CULTIVATION OF CANNABIS FOR PERSONAL USE

§ 120.04 CULTIVATION OF CANNABIS FOR PERSONAL USE: ADMINISTRATIVE CULTIVATION PERMIT.

(A) It shall be unlawful for any person to cultivate cannabis outdoors for personal use within the City.
(B) It shall be unlawful for any person to cultivate cannabis for personal use within a private residence without first having secured an Administrative Cultivation Permit from the Community Development Department.
(C) A person shall be limited to a maximum of one (1) Administrative Cultivation Permit at a time.
(D) An Administrative Cultivation Permit is not transferable. The Administrative Cultivation Permit shall only be used by the permittee to whom it is issued.
(E) Administrative Cultivation Permit shall expire one (1) year from the date of approval and may be renewed annually.

§ 120.05 APPLICATION FOR ADMINISTRATIVE CULTIVATION PERMIT.

(A) An applicant shall be at least twenty-one (21) years of age.
(B) The Administrative Cultivation Permit application shall require all of the following:
    a. Written consent signed by the property owner or legal tenant of the intended cultivation.
    b. Identification of any chemicals, fertilizers, or pesticides that will be used to cultivate plants to aid public safety officials in case of an emergency response to the location.

(C) An Applicant shall pay a nonrefundable Administrative Cultivation Permit application fee as established by resolution of the City Council.
(D) Within sixty (60) calendar days, the city will provide written notification of the complete application to the applicant, indicating whether the application has been approved or denied.

§ 120.06 REGULATIONS FOR ADMINISTRATIVE CULTIVATION PERMIT.

(A) A private residence shall not include more than one cultivation site.
(B) A person shall not cultivate more than six (6) living plants at a private residence. All marijuana plants and anything produced by the plants shall be kept within the permit holder's private residence, or upon the grounds of that private residence, and not be visible by normal unaided vision from a public place.
(C) A private residence shall not also be used for a day care, youth center, or group home. The private residence shall remain occupied and is required to maintain a functioning kitchen, bathroom(s), and the use of the garage for their intended purposes.
(D) Each of the following shall apply to the cultivation site:
    1. The cultivation site shall be located within the private residence.
    2. To prevent safety hazards, the private residence shall not have plumbing, electrical, or other utilities that violate applicable local or state regulations.
    3. To prevent persons under twenty one (21) years of age from entering the cultivation site, the cultivation site shall have at least one lockable door.
    4. The cultivation site shall not produce odors, sounds, or other emissions that are detectable by persons with reasonable sensitivity.
(E) All of the following shall be prohibited in the cultivation site:
    1. Volatile solvents including, but not limited to explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, 02 or H2.
    2. Dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene, unless evidence of a current license to operate such solvents is provided.
    3. Generators or gas products used to power electrical or lighting fixtures or equipment.
(F) Multiple Administrative Cultivation Permit holders may cultivate marijuana at the same private residence; however, the private residence shall not include more than one cultivation site or more than a total of six (6) plants at one time.
(G) Each applicant shall pass an inspection of their cultivation site by a city building inspector to ensure that the private residence meets the requirements of § 120.07 and does not pose a health or safety risk to the Applicant or public. If the inspection is denied, the applicant will have ten (10) calendar days to have the cultivation cite re-inspected.

§ 120.07 EXPIRATION AND RENEWAL OF AN ADMINISTRATIVE CULTIVATION PERMIT.

(A) An Administrative Cultivation Permit may be renewed no sooner than sixty (60) days of expiration.
(B) The Administrative Cultivation Permit holder shall pass a re-inspection of the cultivation site by the Community Development Department.
(C) Renewal of an Administrative Cultivation Permit is subject to a renewal fee as approved by resolution by the City Council.

§ 120.08. SUSPENSION AND TERMINATION.

(A) The City may suspend or terminate an Administrative Cultivation Permit at any time for failure to comply with this chapter or state law or regulation.
(B) If a person's Administrative Cultivation Permit is suspended, terminated, or expired, the permit holder's marijuana plants that exceed 28.5 grams may be assessed fines by the City until both of the following are met:
1. The person reinstates their Administrative Cultivation Permit.
2. The person pays an administration penalty pursuant to § 120.15 PENALTIES.
(C) A person may appeal any suspension or termination of an Administrative Cultivation Permit pursuant to § 120.14 APPEALS PROCEDURE.

§ 120.09 MULTIPLE ADMINISTRATIVE CULTIVATION PERMIT APPLICATIONS.

(A) Application for Administrative Cultivation Permit in a New Private Residence.
1. An Administrative Cultivation Permit holder may apply for an Administrative Cultivation Permit for a private residence other than the private residence specified on the existing permit. If the application is approved, the former Administrative Cultivation Permit shall be immediately null and void. If the application is denied, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions. If the applicant appeals a denial of the application, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions.

(B) Application for a Different Cultivation Site within the Same Private Residence.
1. If a current Administrative Cultivation Permit holder applies for an Administrative Cultivation Permit for the private residence on the existing permit but for a cultivation site other than specified on the existing permit, the existing permit will terminate upon approval of the application.

(C) Application for the Same Cultivation Site in Same Private Residence.
1. If an additional person applies for an Administrative Cultivation Permit for the same cultivation site within the same private residence of a current Administrative Cultivation Permit holder, a permit shall not be issued if the existing permit has been terminated or suspended. If the Administrative

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Cultivation Permit is approved for the additional Applicant, the total number of marijuana plants within a single private residence shall be limited to six (6). In no event shall the number of marijuana plants exceed six (6).

2. An additional Administrative Cultivation Permit for the same cultivation site shall only be issued if all Administrative Cultivation Permits related to that cultivation site are in good standing with the City.

REGULATIONS FOR COMMERCIAL CANNABIS CULTIVATION

§ 120.10 COMMERCIAL CANNABIS CULTIVATION.

(A) A commercial cannabis cultivation business may be permitted within the city pursuant to a development agreement pursuant to California Government Code section 65864 *et seq.*, known as the Development Agreement Statute.

(B) A commercial cannabis cultivation business shall only be allowed in a Cannery District (CD), Industrial District (I), or Light Industrial (M-1) zoning district.

(C) A commercial cannabis cultivation business shall not cultivate outdoors anywhere within the city.

(D) All commercial cannabis cultivation businesses shall comply with all of the following:

a. **Conditional Use Permit**. Concurrently with applying for a development agreement, the applicant shall obtain a conditional use permit pursuant to RMC §153.216 USE PERMIT of the Riverbank Municipal Code. Information that may be duplicative in the two applications can be incorporated by reference. The conditional use permit shall run with the development agreement and not the land.

b. **Employee Permits**. Every employee or independent contractor working at a commercial cannabis cultivation business within the city shall obtain an employee permit from the Community Development Department. The Police Department will perform a background check, including Live Scan and photos, before issuing an employee permit. All information submitted to the city shall be under the penalty of perjury.

c. **Secure Building**. All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse

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structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the cannabis operation cannot be seen, heard or smelled beyond the property line.

d. **Security Plan**. A commercial cannabis cultivation business shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

e. **Insurance**. A commercial cannabis cultivation business shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.

f. **Waste Management Plan.** A commercial cannabis cultivation business shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under a development agreement or conditional use permit. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.

g. **Signage.** Signage informing the public of a commercial cannabis cultivation business shall conform to the applicable zoning district requirements and include one (1) “green cross” logo, maximum four (4) square feet in size, lighted or unlighted, on the structure near the main entrance to each building for wayfinding. If unlighted, the sign shall be reflective. The green cross shall not count towards the maximum square footage of signage permitted for the site nor restrict the use of green crosses on other signage.

REGULATIONS FOR CANNABIS TESTING LABORATORIES

§ 120.11 CANNABIS TESTING LABORATORY.

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(A) A cannabis testing laboratory may be permitted at one (1) for every sixteen thousand (16,000) residents pursuant to a conditional use permit pursuant to RMC §153.216 USE PERMITS.

(B) Cannabis testing laboratories shall only be located in a General Commercial (C-2), Commercial-Industrial (CM), Downtown General (DG), Cannery District (CD), or Research and Development (R&D) zoning districts.

(C) All cannabis testing laboratories shall obtain the proper state permit(s), maintain a city business license, and maintain compliance with all of the following:

a. **Standard Operating Procedures.** All commercial cannabis activities shall provide a copy of their State-required standard operating procedures.

b. **Employee Permits**. Every employee or independent contractor working at a cannabis testing laboratory within the city shall obtain an employee permit from the Community Development Department. The Police Department will perform a background check, including Live Scan and photos, before issuing an employee permit. All information submitted to the city shall be under the penalty of perjury.

c. **Secure Building**. All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures and include material strong enough to prevent entry except through an open door.

d. **Security Plan**. A cannabis testing laboratory shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

e. **Insurance**. A cannabis testing laboratory shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.

f. **Waste Management Plan.** A cannabis testing laboratory shall submit and comply with an approved commercial cannabis waste management plan

describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under the conditional use permit.

g. **Signage.** Signage informing the public of a cannabis testing laboratory shall conform to the applicable zoning district requirements and include one (1) "green cross" logo, maximum four (4) square feet in size, lighted or unlighted, on the structure near the main entrance to each building for wayfinding. If unlighted, the sign shall be reflective. The green cross shall not count towards the maximum square footage of signage permitted for the site nor restrict the use of green crosses on other signage.

(D) This section shall not apply to cannabis testing laboratories established pursuant to a development agreement and conditional use permit.

REGULATIONS FOR CANNABIS DISPENSARIES

§ 120.12 CANNABIS DISPENSARIES.

(A) A cannabis dispensary may be permitted at one (1) for every sixteen thousand (16,000) population pursuant only to a development agreement.

(B) Cannabis dispensaries shall only be located in a General Commercial (C-2), Commercial-Industrial (CM), Cannery District (CD), Highway Boulevard (HB), Downtown General (DG), Downtown Core (DC), Light Industrial (M-1) or Research and Development (R&D) zoning district and at least six hundred (600) feet from a school, day care facility, or youth center. Therefore it shall be prohibited and no permit shall be issued in any other zoning district or planned development zone.

(C) All cannabis dispensaries shall obtain any applicable state permit, obtain a city business license, and maintain compliance with all of the following:

a. **Employee Permits**. Every employee or independent contractor working at a cannabis dispensary shall obtain an employee permit from the Community Development Department. The Police Department will perform a background check, including Live Scan and photos, before issuing an employee permit. All information submitted to the city shall be under the penalty of perjury.

b. **Security Plan**. A cannabis dispensary shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera

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layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

c. **Waste Management Plan.** A cannabis dispensary shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under a development agreement or conditional use permit. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.

REGULATIONS FOR CANNABIS DELIVERY

§ 120.13 CANNABIS DELIVERY.

All cannabis delivery is prohibited within the city unless the cannabis business obtains a city business license and maintains compliance with §120.12 and RMC §110.19 DELIVERY BY VEHICLE.

APPEALS AND ENFORCEMENT

§ 120.14 APPEALS PROCEDURE.

(A) Any permit applicant may appeal any adverse action taken under this chapter to the City Council.

(B) All appeals taken under this chapter must be taken within 30 days after the adverse action by filing with the office of the City Clerk a written notice of appeal specifying the grounds thereof. An appeal shall be accompanied by a non-refundable filing fee, as established by resolution adopted by the City Council from time to time.

(C) The City Clerk, upon the filing of such appeal and payment of an appeal fee, shall place the matter upon the agenda for the next regular meeting of the City Council occurring not earlier than five days after the filing of the appeal, and shall notify the appealing permit applicant by letter of the meeting date and place at which the appeal will be heard.

§ 120.15 PENALTIES.

(A) Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Cal. Code of

PROPOSED

Civil Procedure § 731 or any other remedy available to the City.

(B) In addition to any other enforcement permitted by this chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

(C) Violations of this chapter shall be subject to an administrative penalty. The amount of the administrative penalty shall be two hundred and fifty dollars ($250) for the first offense, five hundred dollars ($500) for the second offense, and one thousand dollars ($1,000.00) for any subsequent offense.

§ 120.16 COST RECOVERY.

(A) The city shall be entitled to recover its abatement and enforcement costs incurred in obtaining compliance with this chapter. Costs incurred by the city are recoverable even if a public nuisance, Municipal Code, or other violation of law is corrected by the property owner or other responsible party.

(B) The cost of abating a public nuisance or enforcing this chapter shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property or the responsible party. If there is more than one responsible party, each party shall be jointly and severally liable for the costs.

(C) For purposes of this chapter, the following additional definitions shall apply:

1. "Abatement costs" include the actual and reasonable costs incurred by the city to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include personnel costs, administrative overhead, costs for equipment such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by city.
2. "Enforcement costs" include all actual and reasonable costs incurred by the city to enforce compliance with the Municipal Code and any applicable State, County, or city public health and safety law that are not included within abatement costs. Enforcement costs shall also include, but are not limited to, costs of fringe benefits for personnel, administrative overhead, costs of equipment, costs of materials, costs related to investigations, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal Code or State or County law violations, and reasonable attorneys' fees related to these activities.
3. "Responsible party" means a person or entity responsible for creating, causing, committing, or maintaining the violation of this chapter or

State or County law.

4. “Subject property” means the real property that is the subject of any abatement or enforcement action by the city for which the city incurred costs and seeks recovery under this chapter.

§ 120.17 SEVERABILITY.

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

SECTION 2: Section 110.19: Delivery by Vehicle, is amended to read as follows:

CHAPTER 110 SECTION §110.19: DELIVERY BY VEHICLE.

(A) Every person not having a fixed place of business within the city, and not being herein otherwise licensed or classified, who delivers goods, wares, or merchandise of any kind by the use of vehicles in the city, shall pay a license fee at a rate set by the City Council, as amended time to time.

(B) Subsection (A) shall apply to all cannabis businesses that provide delivery service within the city unless that business is expressly exempt from this section.

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

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

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on August 8, 2017. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the __ day of ___, 2017; motioned by Councilmember _____, seconded by Councilmember _____, and moved said ordinance by a City Council roll call vote of ____:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

Annabelle Aguilar, CMC

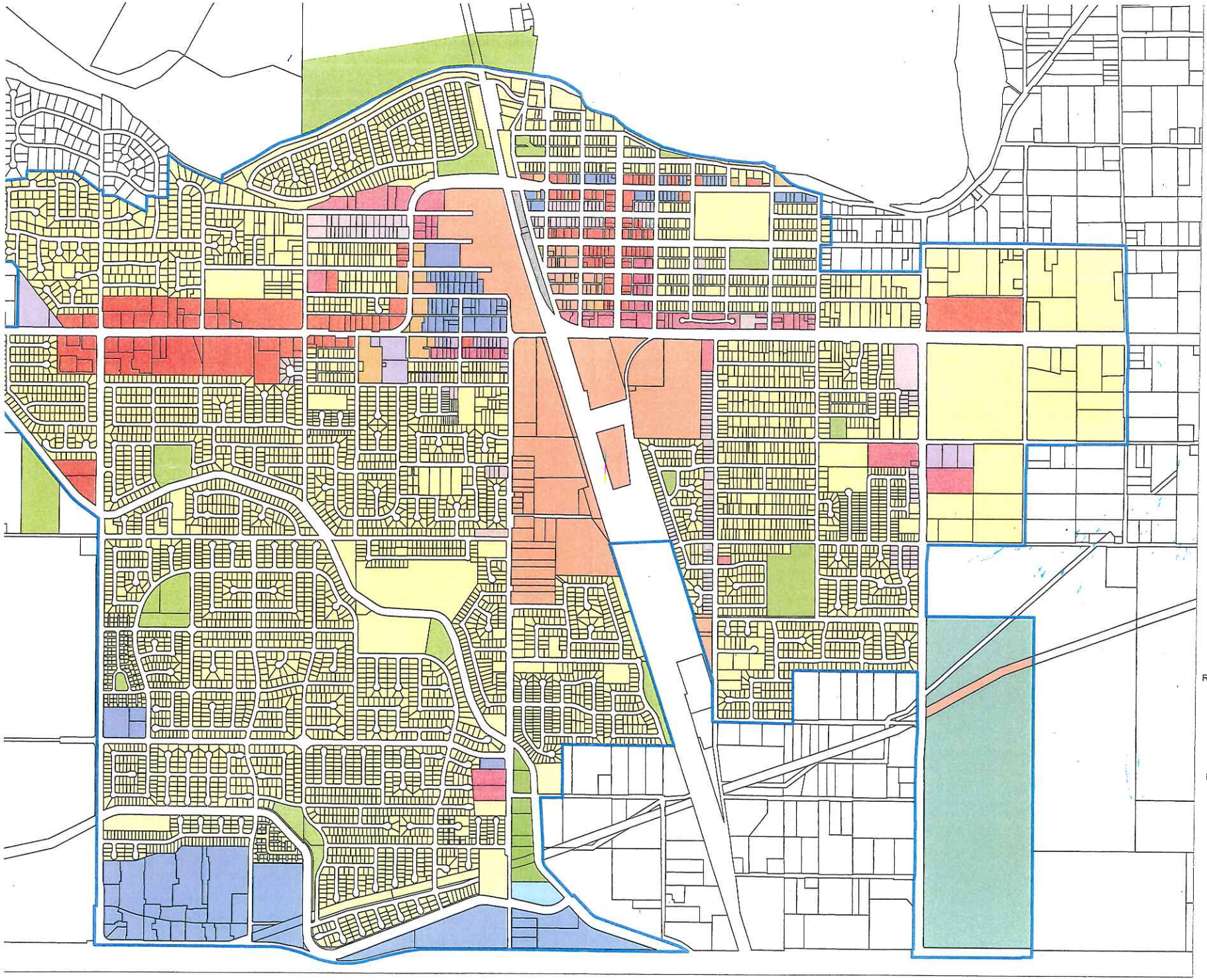
City Clerk

APPROVED:

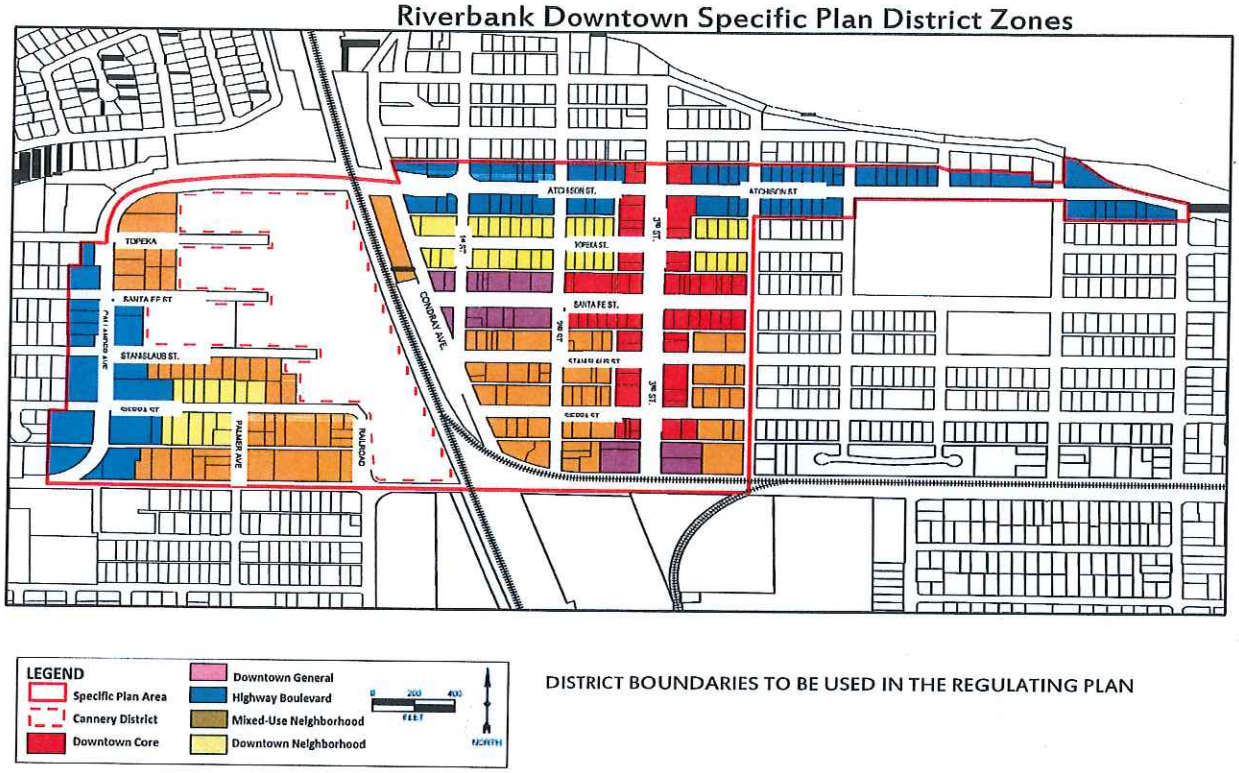
Richard O'Brien

Mayor

PROPOSED


City of Riverbank
ZONING
Neighborhood Commercial (C-1)
General Commercial (C-2)
Commercial - Industrial (CM)
Light Industrial (M-1)
Mixed Use (CX-1)
Park
Single Family Residential (R-1)
Duplex Residential (R-2)
Multiple Family Residential (R-3)
Rural to Low Residential (RLR - SP1)
Public/Quasi Public (PQP)
Riverbank Industrial Complex Park
Unassigned
City Limits
August 2015

Riverbank Downtown Specific Plan District Zones



DISTRICT BOUNDARIES TO BE USED IN THE REGULATING PLAN

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	August 8, 2017
Subject:	A **Resolution** Adopting either Track 1 or Track 2 of the Statewide Trash Provisions Ordered by the State Water Resources Control Board under Section 13383 to meet the Statewide Water Quality Objective for Zero Trash
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council receive presentation on Statewide Trash Provisions ordered by the Water Board under Section 13383 and consider adopting a method of compliance to meet the statewide water quality objective for zero trash in the City's storm drain systems.

SUMMARY

On April 7, 2015 the State Water Resources Control Board adopted statewide Trash Provisions to address the impact trash has on the beneficial uses of our surface waters. The Provision establishes a statewide water quality objective for zero trash and a prohibition of trash discharge, or deposition where it may be discharged to surface waters of the State.

On June 2, 2017 the State and Regional Boards issued Water Code Section 13383 letters to all Municipal Separate Storm Sewer Systems (MS4) permittees not already subject to the Trash Provision. The letter the City received requires the permittee to choose between two compliance method Tracks. Track 1 is full capture and Track 2 is full-capture equivalent including preliminary planning documents. The City must choose a Track by September 1, 2017 and submit electronically to the Regional Water Quality Control Board a letter identifying the City's selected compliance option as defined in the Order.

TRACK 1

Track 1 consists of the following:

Install, operate, and maintain full capture devices to capture all trash 5mm and greater in the municipally-owned storm drain network within priority land uses. The installation of full capture devices would include a treatment control, or series of treatment controls, including, but not limited to, a multi-benefit project or a low-impact development control that traps all particles that are 5mm or greater and has a design treatment capacity that is either capable of handling the peak flow rate from a one-year, one-hour storm; or appropriately designed to handle at least the same flow as the corresponding storm drain. Staff has identified the following options for achieving the State's requirement under Track 1:

- Study and identify areas where full capture devices can be installed before storm water enters the outfall. The full capture CDS type vortex units would cost around $150,000 each. This would include the mobilization, traffic control, trench excavation and installation of the units.
- Install filters in all 807 of the City's storm drain inlets at a cost of approximately $448,500 with an ongoing annual maintenance cost of $97,000.

The main obstacles the City will face in achieving the state's goals under Track 1 is the initial capital cost for the devices over the next 10 years, annual maintenance of the filters, and the cost of additional staff and staff time to monitor and maintain the storm water system for full trash capture.

TRACK 2

Track 2, which is the Full capture equivalency involves installation, operation and maintenance of any combination of full capture systems, multi-benefit projects, treatment controls (LID), institutional controls (street sweeping, drain maintenance, enforcement, etc.). The City would need to demonstrate that the approach will achieve full trash capture. In order to demonstrate that the MS4's approach will achieve equivalency the City would submit a jurisdictional map identifying partial land uses (PLUs), corresponding storm drain network & associated drainage areas, and proposed locations for full capture system installations. A trash assessment will need to be performed to identify existing levels of trash generation.

The City will also need to develop and submit an implementation plan that must be reviewed and approved by the Regional Water Quality Control Board that includes the rationale for how the selected combination of controls will achieve full capture system equivalency; the rationale for how full capture system equivalency will be demonstrated; a description of alternative methodology used for the assessment and rationale for equivalency if the recommended approach is not used; and if selecting alternative locations or land uses then the PLUs, a rationale demonstrating that the alternative land uses generate trash at rates that are equivalent to or greater than the PLUs. There are various options to complying with the state's requirements under Track 2:

- Install filters in all 807 storm drain inlets at a cost of approximately $448,500 with an ongoing annual maintenance cost of $97,000.

- Installation of low impact development treatment controls.
- Combination of any full capture systems.

The main obstacles the City will face in achieving the State's goals under Track 2 are the initial capital costs for full capture and other system improvements, on-going administrative costs, additional staffing to continually make assessments, develop plans, monitor and plan implementation. There will also be on-going maintenance costs. The City would also need to submit our plan to the State for review and approval.

FINANCIAL IMPACT

At this time the financial impact to the City is staff time to assess the storm water system and the administrative requirements and reporting that need to be met. Once staff is informed of the City Council's decision, staff will perform a long-term cost analysis, obtain pricing from vendors, and speak with other agencies for recommendations. Pursuant to the Streets and Highways Code, SB-1 funds that the City will receive for the Road Maintenance Rehabilitation Account (RMRA) can be used for storm water capture projects. The City will also be looking for other ways to fund this new unfunded mandate requirement.

RECOMMENDATION

After a thorough review of Track options 1 and 2, staff is recommending to the City Council that Track 1 be selected for implementation. The City will have 10 years to fully meet the requirement of full trash capture. Track 2 would require the same results within 10 years, but would involve more assessments, monitoring, and mapping, which would require additional staff to meet these requirements.

ATTACHMENT

1. Water Code Section 13383 Order to Submit Method to Comply with Statewide Trash Provisions; Requirements for Traditional Small Municipal Separate Storm Sewer System (MS4) Permittees.

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, ADOPTING TRACK __ OF THE STATEWIDE TRASH PROVISIONS ORDERED BY THE STATE WATER RESOURCES CONTROL BOARD UNDER SECTION 13383 TO MEET STATEWIDE WATER QUALITY OBJECTIVE FOR ZERO TRASH

WHEREAS, The Riverbank City Council has received a presentation on the statewide trash provisions ordered by the Water Board under Section 13383; and

WHEREAS, On April 7, 2015 the State Water Resources Control Board adopted statewide Trash Provisions to address the impact trash has on the beneficial uses of our surface waters; and

WHEREAS, The Provision establishes a statewide water quality objective for zero trash and a prohibition of trash discharge, or deposition where it may be discharged to surface waters of the State; and

WHEREAS, On June 2, 2017 the State and Regional Boards issued Water Code Section 13383 letters to all Municipal Separate Storm Sewer Systems (MS4) permittees not already subject to the Trash Provision; and

WHEREAS, The letter the City received required the permittee to choose between two different compliance methods: Track 1 is full capture and Track 2 is full-capture equivalent including preliminary planning documents; and

WHEREAS, The City Council must choose a Track by September 1, 2017 and submit the decision electronically to the Regional Water Quality Control Board via a letter identifying the City's selected compliance option as defined in the Order.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby has selected Track ____ to meet the mandated requirements under Water Code Section 13383.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of August, 2017; motioned by Councilmember , seconded by Councilmember ; motion carried by the following City Council vote of :

PROPOSED

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

_____
Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

_____
Richard D. O'Brien
Mayor

PROPOSED

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

June 1, 2017

Addressed to the Legally Responsible Person

WATER CODE SECTION 13383 ORDER TO SUBMIT METHOD TO COMPLY WITH STATEWIDE TRASH PROVISIONS; REQUIREMENTS FOR TRADITIONAL SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMITTEES

Dear Small MS4 General Permit Discharger:

On April 7, 2015, the State Water Resources Control Board (State Water Board) adopted statewide Trash Provisions[1] to address the pervasive impacts trash has on the beneficial uses of our surface waters. Throughout the state, trash is typically generated on land and transported to surface water, predominantly through MS4 discharges. These discharges from Phase II MS4s are regulated through a statewide general permit (Phase II MS4 Permit) [2] pursuant to section 402(p) of the Federal Clean Water Act.

The Trash Provisions establish a statewide water quality objective for trash and a prohibition of trash discharge, or deposition where it may be discharged, to surface waters of the State. For Phase II MS4 permittees that have regulatory authority over Priority Land Uses,*[3] the Trash Provisions require implementation of the prohibition through requirements incorporated into the Phase II MS4 Permit and/or through monitoring and reporting orders, by June 2, 2017. The State Water Board does not anticipate amending the existing Phase II MS4 Permit within the time frame specified by the Trash Provisions. Therefore, the initial steps in planning for the implementation of the Trash Provisions are required through this Order in accordance with Water Code section 13383, as specified in the Trash Provisions,[4] and as further authorized by Clean Water Act section 308(a) and 40 Code of Federal Regulations part 122.41(h). The implementation plans submitted in response to this Order are subject to approval by the State Water Board and appropriate Regional Water Quality Control Board (Regional Water Board).

This Order is issued to implement federal law. The water quality objective established by the Trash Provisions serves as a water quality standard federally mandated under Clean Water Act section 303(c) and the federal regulations. (33 U.S.C. § 1312, 40 C.F.R. § 131.) This water quality standard was specifically approved by U.S. EPA following adoption by the State Water Board and approval by the Office of Administrative Law. This Order requests information

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[1] Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash (Ocean Plan) and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, And Estuaries Of California (ISWEBE Plan) to be adopted by the State Water Board. Documents may be downloaded from our website at http://www.waterboards.ca.gov/water_issues/programs/trash_control/documentation.shtml .

[2] National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), Order No. 2013-0001-DWQ, NPDES No. CAS000004.

[3] All terms marked with an asterisk '*' are defined in Enclosure, *Trash Provisions Glossary*.

[4] Chapter IV.A.5.a.(1)B of the ISWEBE Plan and Chapter III.L.4.a.(1)B of the Ocean Plan.

necessary for municipal permittees to plan for implementation of actions to achieve the water quality standard for trash. Further, the water quality standard expected to be achieved pursuant to the Trash Provisions may allow each water body impaired by trash and already on the Clean Water Act section 303(d) list to be removed from the list, or each water body subsequently determined to be impaired by trash to not be placed on the list, obviating the need for the development of a total maximum daily load (TMDL) for trash for each of those water bodies. (33 U.S.C. § 1313(d); 40 C.F.R. § 130.7.) In those cases, the specific actions that will be proposed by the municipal permittees in response to this Order substitute for some or all of the actions that would otherwise be required consistent with waste load allocations in a trash TMDL. (40 C.F.R. § 122.44, subd. (d)(1)(vii)(B).) This Order nevertheless allows municipal permittees to select specific proposed actions to meet the federal requirements.

Non-municipal MS4 permittees, referred to as non-traditional MS4 permittees, are not subject to this Order. Non-traditional MS4 permittees generally do not have significant areas of Priority Land Uses under their authority. Therefore, this Order is not being issued to non-traditional MS4 permittees. Non-traditional MS4 permittees that generate substantial amounts of trash[5] may be issued a separate Water Code section 13383 Order with requirements for Priority Land Uses and/or any additional specific land uses within their jurisdiction.

The Trash Provision requires Phase II MS4 permittees with regulatory authority over Priority Land Uses to select a method of compliance with the trash prohibition. Through this Order, the State Water Board requires Phase II traditional MS4 permittees to determine and report their selection of either the following Track 1 or Track 2 compliance methods:[6]

1. **Track 1:** Install, operate, and maintain Full Capture Systems* for the storm drain network that capture runoff from the Priority Land Uses in their jurisdiction.

   Phase II MS4 permittees that select the Track 1 compliance method may discover that there are locations within their storm drain network where full capture systems cannot be implemented, or are better implemented within another land use area. The Trash Provisions allow a Phase II MS4 permittee with regulatory authority over Priority Land Uses to request, from the appropriate Regional Water Board Executive Officer, to substitute one or more Priority Land Uses with equivalent alternate land uses*[7] within the MS4 permittee's jurisdiction.

2. **Track 2:** Install, operate, and maintain any combination of Full Capture Systems, Multi-Benefit Projects,* other Treatment Controls,* and/or Institutional Controls* within either the jurisdiction of the MS4 permittee or the jurisdiction of the MS4 permittee and contiguous MS4 permittees. The MS4 permittee may determine the locations or land uses within its jurisdiction to implement any combination of controls. Permittees choosing Track 2 must demonstrate that the approach[8] will achieve Full Capture System Equivalency.*

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[5] Chapter IV.A.3.d of ISWEBE Plan or Chapter III.L.2.d of the Ocean Plan.

[6] Chapter IV.A.3.a. of the ISWEBE Plan and Chapter III.L.2.a. of the Ocean Plan.

[7] See definition of Priority Land Uses in enclosed *Trash Provisions Glossary*.

[8] The MS4 permittee may determine which controls to implement to achieve compliance with the Full Capture System Equivalency. It is, however, the State Water Board's expectation that the MS4 permittee will elect to install Full Capture Systems where such installation is not cost-prohibitive. (Chapter IV.A.3.a.(2) of the ISWEBE Plan and Chapter III.L.2.a.(2) of the Ocean Plan).

To ensure the compliance method selection is completed accurately, the State Water Board, through this Order, requires the traditional Phase II MS4 permittees to complete and submit the following:

1. **Jurisdictional Maps.** Traditional Phase II MS4 permittees must develop jurisdictional maps identifying Priority Land Use areas, the corresponding storm drain network and associated drainage areas, and proposed locations for certified Full Capture System installations.

   Permittees selecting the Track 1 compliance method and are proposing alternative land uses shall identify the alternative land uses on the jurisdictional map and the corresponding priority land uses being substituted.

   Permittees selecting the Track 2 compliance method may determine the locations or land uses within their jurisdictions to implement any combination of controls that achieve Full Capture System Equivalency. Therefore, the permittee shall also identify on the jurisdictional maps the selected locations or land uses where a combination of controls, which are identified in Track 2 above, will be implemented to achieve Full Capture System Equivalency.

   The State Water Board recognizes that field surveys may be necessary to ensure the accuracy of jurisdictional map development. Therefore, this Order requires Phase II MS4 permittees to provide preliminary jurisdictional maps within three months from the date of this Order, and final jurisdictional maps within eighteen months from the date of this Order.

   These jurisdictional maps will assist review of the compliance method selection by the State Water Board and Regional Water Boards and also support development of appropriate permit requirements in a future Phase II MS4 permit reissuance.

2. **Trash Assessments.** Traditional Phase II MS4 permittees that elect the Track 2 compliance method must conduct and submit trash assessments to identify existing levels of trash generation.

   Through this Order, the State Water Board directs Traditional Phase II MS4 permittees selecting Track 2, at a minimum, to conduct a trash assessment of the Priority Land Use areas, even if they subsequently select other locations or land uses within their jurisdiction to implement any combination of controls that meet Full Capture System Equivalency. If proposing to select locations or land uses other than Priority Land Uses, the permittee must also assess trash levels at those locations or land uses and provide a justification demonstrating that the selected locations or land uses generate trash at rates that are equivalent to or greater than the Priority Land Uses. State or Regional Water Board approval may be based on the proposed trash assessments and corresponding justification.[9]

   The Trash Provisions provide two example trash assessment approaches for permittees to demonstrate Full Capture System Equivalency when a permittee selects the Track 2 compliance method. Phase II MS4 permittees may use alternative methods to demonstrate

[9] In accordance with Permitting Authority's discretional authority under Chapter IV.A.3.d. of the ISWEBE Plan or Chapter III.L.2.d. of the Ocean Plan.

Full Capture System Equivalency. One alternative method currently implemented in the San Francisco Bay region is the Visual Trash Assessment Approach, an accepted assessment approach based on on-land visual trash assessments.[10] A description of the Visual Trash Assessment Approach[11] is enclosed in this Order and may be used by Phase II MS4 permittees to meet the requirement for a baseline assessment.

Information resulting from the trash assessments is necessary to develop appropriate requirements and provisions in the future Phase II MS4 Permit reissuance, including:
(1) Establishing a baseline for compliance tracking and determinations,
(2) Establishing interim milestones to demonstrate progress towards 100 percent compliance with the Trash Provisions within 10 years of the effective date of the implementing permit,[12]
(3) Evaluating the permittees' planned implementation of Full Capture System Equivalency, and in
(4) Approving the implementation plan.

Permittees that select the Track 1 compliance method through implementation of certified Full Capture Systems in all storm drains that capture runoff from all Priority Land Use areas are not required to conduct trash assessments. Through the Track 1 compliance method, the State Water Board provides a streamlined compliance pathway with annual progress reporting of Full Capture System installation.

3. **Implementation Plan.** The implementation plan required by this Order in clause 3 below is subject to approval by the State Water Board Executive Director and/or the corresponding Regional Water Board Executive Officer.[13] A request for an equivalent alternative land use identified on the jurisdictional map, section 1 above, must be submitted within the implementation plan and approved by the Regional Water Board Executive Officer prior to installation and implementation of certified Full Capture Systems or Full Capture System Equivalency trash controls.

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[10] The State Water Board-funded an evaluation (through Proposition 84 grant funds) of the on-land visual trash assessment method as part of the Tracking California's Trash project conducted by the Bay Area Stormwater Management Agencies Association (BASMAA). The evaluation concluded that if visual assessments were conducted consistent with the protocol, the method could reliably establish baseline trash levels and detect progress in reducing trash in MS4 discharges over time.

[11] See Enclosure, *Recommended Trash Assessment Minimum Level of Effort.*

[12] Chapter IV.A.5.a.(2) and (3) of ISWEBE Plan or Chapter III.L.4.a.(2) and (3) of the Ocean Plan.

[13] Chapter IV.A.5.a.(1)B of the ISWEBE Plan or Chapter III.L.4.a.(1)B of the Ocean Plan

Pursuant to Water Code section 13383, **IT IS HEREBY ORDERED THAT,** as a Permittee of the statewide Phase II MS4 permit, you shall:

1. By **September 1, 2017**, submit electronically via SMARTS:[14]
   a. A letter to State Water Board identifying the permittee's selected compliance option, (Track 1 or Track 2) as defined in this Order; and

   b. A preliminary jurisdictional map(s) identifying the following:

      i. Priority Land Use areas discharging to the storm drain network ; and
      ii. The corresponding storm drain network that receives discharges from Priority Land Use areas.

2. Permittees Selecting Track 1: By **December 1, 2018**, submit electronically via SMARTS, an updated jurisdictional map(s) identifying the following:

   i. All Priority Land Use areas discharging to the storm drain network;
   ii. The corresponding storm drain network;
   iii. Proposed locations of all certified Full Capture Systems[15] and,
   iv. Proposed equivalent alternative land uses, documentation demonstrating that the substitution of equivalent alternative land uses has been approved by the appropriate Regional Water Board Executive Officer, and corresponding storm drainage network, if applicable.

3. Permittees Selecting Track 2: By **December 1, 2018,** submit electronically via SMARTS, the following:

   i. An updated jurisdictional map(s) identifying the following:
      a) All Priority Land Use areas and selected locations and land uses, other than the Priority Land Uses area, discharging to the storm drain network;
      b) The corresponding storm drain network; and
      c) Proposed locations of all certified Full Capture Systems and where any combination of controls will be implemented that will achieve Full Capture System Equivalency;
      d) Trash levels, using the methodology described in the attached recommended Visual Trash Assessment Approach or other equivalent trash assessment methodology, for all Priority Land Uses, and for other selected locations or land uses within the MS4s jurisdiction if proposing to implement any combination of controls in locations other than Priority Land Uses; **and**

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[14] SMARTS stands for Storm Water Multiple Application and Report Tracking System and is an online database for dischargers to electronically file their permit documents. It can be accessed at: https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml

[15] A list of Certified Full Capture Systems is located at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/municipal.shtml

ii. An Implementation Plan that includes the following:

a) The rationale for how the selected combination of controls will achieve Full Capture System Equivalency;
b) The rationale for how Full Capture System Equivalency will be demonstrated;
c) If using a methodology other than the attached recommended Visual Trash Assessment Approach to determine trash levels, a description of the methodology used and rationale of how the alternative methodology is equivalent to the recommended Visual Trash Assessment Approach; and
d) If proposing to select locations or land uses other than Priority Land Uses, a rationale demonstrating that the alternative land uses generate trash at rates that are equivalent to or greater than the Priority Land Uses.

The Legally Responsible Person identified in SMARTS must sign and certify all submittals required by this Order, with the following certification:

> *"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Failure to comply with this Order, or falsifying any information provided therein, may result in enforcement action including civil liabilities for late or inadequate reports consistent with Water Code section 13385.

Questions regarding this Order or any requests for assistance should be directed to Mr. Leo Cosentini of the Division of Water Quality at (916) 341-5524 or leo.cosentini@waterboards.ca.gov.

Sincerely,

/s/

Thomas Howard
Executive Director

Enclosures (3): Trash Policy Implementation Procedure Flowchart
Trash Provisions Glossary
Recommended Trash Assessment Minimum Level of Effort

cc: [see next page]

cc: [via email]

Matthias St. John
North Coast regional Water Quality Control Board
matthias.st.john@waterboards.ca.gov

Bruce Wolfe
San Francisco Bay Regional Water Quality Control Board
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John Robertson
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Samuel Unger
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Patty Kouyoumdjian
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Jose Angel
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Kurt Berchtold
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kurt.berchtold@waterboards.ca.gov

David Gibson
San Diego Regional Water Quality Control Board
david.gibson@waterboards.ca.gov

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	August 8, 2017
Subject:	A **Resolution** Approving and Adopting the Revised City of Riverbank Expenditure Plan Project List for Measure L Funds and Approve a $130,000 Loan from the Local Transportation Fund (LTF) to complete the Project
From:	Sean Scully, City Manager
Submitted By:	Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council consider adopting the proposed changes to the City of Riverbank's Measure L Expenditure Plan Project List for local streets and roads, traffic management, and bike and pedestrian improvement projects, and approve a loan from the Local Transportation Fund (LTF) to complete the project. Funds will be repaid upon the receipt of Measure L Funds.

SUMMARY

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

The Stanislaus Council of Governments (StanCOG) has requested that each City and the County develop a 25-year project list divided between Local Streets and Roads, Traffic Management, and Bicycle/Pedestrian projects. The projects identified on the Expenditure Plan Project List details a comprehensive list of infrastructure improvements that the City has identified as priority projects. The initial list was brought to Council for review and approval on June 14, 2016. At that meeting it was stated that the project list would be reviewed annually and any changes or adjustments to the List would be brought before the City Council for approval. Also, all improvements or projects on this List will require City Council review and approval prior to construction.

LOCAL STREETS AND ROADS

Recognizing that streets are the backbone of our transportation system, the Plan provides funds to local cities and Stanislaus County, distributed primarily based on 2015 population to support local roads. Each agency was asked to identify specific streets and roads that will be prioritized for repair and/or refurbishment. These funds will be used exclusively for repair and maintenance – no new road construction will be funded. These funds must be used to augment current transportation spending and cannot be used to replace a local agency's general fund expenditures. The City of Riverbank's projected annual funds from the proposed ½ cent sales tax measure for road maintenance is $656,648.

TRAFFIC MANAGEMENT

Traffic management projects can include upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods. The City is projected to receive $131,330 annually for these projects.

BIKE AND PEDESTRIAN IMPROVEMENTS

Bike and pedestrian improvements can include connectivity between communities, local schools, trails and recreation facilities. The City will work closely with residents to determine the type, location and priority for new or upgrades to existing facilities. The City is projected to receive $65,665 annually for these types of projects.

CITY OF RIVERBANK EXPENDITURE PLAN PROJECT LIST

The City's Expenditure Plan Project List consists of local streets and roads, traffic management, and bike and pedestrian improvements. The City's project list was developed from the City's Capital Improvement Plan and Pavement Management Plan. These projects will help to maintain and preserve the City's transportation system infrastructure and create opportunities for non-motorized connectivity. The revised Expenditure Plan Project List has been downsized from 25 years to a 5 year plan, which is more realistic for planning purposes.

For Fiscal Year 2017-2018 StanCOG has received the following funds earmarked for the City of Riverbank for April 2017: Local Streets and Roads $78,497.21; Traffic Management $15,699.44; Bike and Pedestrian $7,849.72. At this time StanCOG is in the process of finalizing Measure L Policies and Jurisdiction Agreements. Once the documents are approved by the Policy Board, signatures by jurisdictions will be obtained and returned to StanCOG. StanCOG will then pay each jurisdiction in full their allocated funds and thereafter on a monthly basis. Please note that the State Controller's Office will always be 3 months behind in remitting the funds to StanCOG for distribution.

Since the City is not in receipt of funding from the ½ sales tax measure at this time, the City is requesting approval from the City Council to loan $130,000 in funding from the City's Local Transportation Funds (LTF) to the Measure L Fund to complete a slurry seal project in early Fall 2017. The City will complete a larger slurry seal project in late Spring 2018 with the City's remaining allocation of funds received for Fiscal Year 2017-2018.

FISCAL IMPACTS

Borrow $130,000 of Local Transportation Funds (LTF) to complete a Measure L Slurry Seal project early Fall 2017. These funds will be repaid upon the receipt of Measure L Funds.

ATTACHMENTS

1. Resolution
2. City of Riverbank Expenditure Plan Project List
3. Fall 2017 Slurry Seal Project List of Streets

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING AND ADOPTING THE REVISED CITY OF RIVERBANK EXPENDITURE PLAN PROJECT LIST AND APPROVE A $130,000 LOAN FROM THE LOCAL TRANSPORTATION FUND (LTF) TO THE MEASURE L FUND TO COMPLETE THE 2017 SLURRY SEAL PROJECT

WHEREAS, the Riverbank City Council has reviewed the revised Expenditure Plan Project List presented by staff; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately $656,648 for the City of Riverbank's local streets and roads; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately $131,330 for the City of Riverbank's traffic management projects; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately $65,648 for the City of Riverbank's bicycle/pedestrian projects; and

WHEREAS, each project on the revised Expenditure Plan Project List will require City Council review and approval prior to construction; and

WHEREAS, each year a comprehensive review of proposed Expenditure Plan Projects will be conducted and presented to Council;

NOW, THEREFORE, BE IT RESOLVBED that the City Council of the City of Riverbank hereby approves the City of Riverbank's revised Expenditure Plan Project List and authorizes a $130,000 loan from the Local Transportation Fund (LTF) to the Measure L Fund to complete the 2017 Slurry Seal Project.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of August, 2017; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

PROPOSED

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:	**APPROVED:**
_____	_____
Annabelle H. Aguilar, CMC	**Richard D. O'Brien**
City Clerk	**Mayor**

PROPOSED

City of Riverbank Expenditure Plan Project List (Revised 8/8/2017)

Type	Projects	Description	Budget	Start	Complete
Local Streets and Roads (50%)					
Slurry/Overlay	Slurry/Overlay Various Local Roads	Slurry Local Roads identified in Pavement Management Plan	$130,000	FY 2017	FY 2017
Slurry/Overlay	Slurry/Overlay Various Local Roads	Slurry Local Roads identified in Pavement Management Plan	$526,500	FY 2018	FY 2018
Overlay (Match Monies)	Eight Street Overlay	Patterson Road to Kentucky Avenue - Match Money Measure L	$100,000	FY 2018	FY 2019
Overlay	Claus Road Overlay	Overlay Claus Road between Townsend to Claribel	$556,500	FY 2018	FY 2019
Overlay (Match Monies)	Kentucky Avenue Overlay	Overlay Kentucky Avenue between Eighth to Claus Road - Match Money Measure L	$100,000	FY 2019	FY 2020
Overlay	Santa Fe Street Overlay/Reconstruct	Overlay/Reconstruct Santa Fe between Fourth Street to Eighth Street	$556,500	FY 2019	FY 2020
Overlay	Oakdale Road Overlay	Overlay Oakdale Road between Patterson to Crawford Road	$626,500	FY 2020	FY 2021
Overlay	Patterson Road Overlay	Overlay Patterson Road between Terminal to Central Avenue	$626,500	FY 2021	FY 2022
Traffic Management (10%)					
Signalized Intersection	Calendar Avenue Signalized Intersection	Signalized Intersection at Calendar Avenue and Santa Fe Street - Measure L Match Funds	$262,660	FY 2017	FY 2019
Signalized Intersection	Claus Road Signalized Intersection	Signalized Intersection at Claus Road and California Avenue	$393,990	FY 2019	FY 2022
Bike/Ped (5%)					
Jacob Meyers Park Entryway	Entryway and ADA Improvements	Entryway and ADA Improvements - Measure L Match Funds to Grant	$65,665	FY 2017	FY 2018
Calender Avenue Complete Street Plan	Plan for Sidewalks and ADA Improvements	Design/Engineering Phase	$111,330	FY 2018	FY 2020
Bicycle Striping along Oakdale Road	Oakdale Road		$65,665	FY 2020	FY 2021
Striping Various Local Roads & Streets	Striping Various Local Roads & Streets	Bicycle Striping various local roads & streets	$65,665	FY 2021	FY 2022

FALL 2017 SLURRY SEAL PROJECT LIST OF STREETS

Street Name	Begin Location	End Location	Length	Width	Area	Current
7TH ST	ATCHISON ST	RIVERSIDE DR	160	40	6,800	59
RAILROAD AVE	PATTERSON RD	SIERRA ST	260	40	11,300	62
SIERRA CT	SOUTH END	SIERRA ST	200	35	10,000	54
PARSLEY LN	JACKSON AVE	EAST END	500	30	15,000	55
LONESTAR LN	SOUTHGATE DR	SILVERROCK RD	310	35	10,600	64
SILVEROCK CT	SILVEROCK RD	EAST END	515	35	22,750	54
SILVERVALE CT	SILVER BELL DR	NORTH END	470	30	17,500	60
KINGS MILL CT	SOUTH END	RIVER COVE DR	350	35	16,300	54
SAWGRASS CT	BRIARCLIFF DR	NORTH END	180	35	9,500	43
CARNWOOD DR	LINDBROOK DR	MORRILL RD	265	35	11,300	66
CRAWFORD RD	HOMEWOOD WY	GOLD FEVER DR	1350	45	55,070	53
SULKY CT	SOUTH END	GLOW RD	270	35	11,300	65
ARIZONA AVE	TERMINAL AVE	8TH ST	1250	35	46,315	55
CALIFORNIA AVE	TERMINAL AVE	8TH ST	1250	40	49,000	56
DAKOTA AVE	TERMINAL AVE	8TH ST	1250	35	45,850	51
BRADFORD WY	CHANNEL DR	JACKSON AVE	565	35	24,000	59
COAD LN	HOWARD AVE	TURPIN AVE	775	35	27,150	67
COAD LN	TURPIN AVE	DOBBINS LN	230	35	8,350	51
DOBBINS LN	JACKSON AVE	COAD LN	370	35	14,900	51
JACKSON AVE	COUNTRY MANOR DR	PATTERSON DR	1775	35	43,960	52
OAK WILLOW LN	MORRIL RD	BORDONA DR	480	32	19,000	55
PALMER AVE	PATTERSON RD	SIERRA ST	450	34	15,450	53
PALMER AVE	WARD AVE	PATTERSON RD	600	34	22,600	56
REBECCA LN	CHANNEL DR	DOBBINS LN	275	38	11,700	65
ROSE BROOK CT	SE END	ROSE BROOK DR	420	38	20,100	65
ROSS AVE	JACKSON AVE	HOWARD AVE	620	38	24,740	60
SOUTH ROSE BROOK DR	ROSE BROOK DR	ROSELLE AVE	970	32	36,300	60

REVISED REPORT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date:	August 8, 2017
Subject:	A **Resolution** of the City Council of the City of Riverbank, California, Authorizing the Expenditure of the Awarded Housing Related Parks Grant Funds for: 1.) the Renovation of the Community Pool Locker Rooms and ADA Improvements; or 2.) the Partial Renovation of the Community Center
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council receive information on the Housing Related Parks Grant Funds awarded to the City and by roll call vote select an option for the expenditure of the funds.

SUMMARY

The City of Riverbank Parks and Recreation Department received an award letter from the Department of Housing and Community Development regarding a grant application that was submitted for the renovation of the pool locker room and the Community Center. Unfortunately, the grant awarded to the City will not be sufficient to complete both projects. Staff is requesting that the City Council provide input on which project to complete with the grant funds. The grant amount will be approximately $352,000.

BACKGROUND

The Riverbank Community Pool locker rooms are in need of renovation and ADA improvements. Although we need to update our cost estimates, and confirm the ADA improvements costs, it is likely we can complete the entire project with the grant funds available. It is unlikely that there will be another opportunity for this type of grant funding for the pool renovation in the near future.

The Community Center Building is in dire need of a new floor and renovation of the kitchen. This work would enhance our Community Center for events and rentals. The total cost for this project is approximately $500,000. A portion of this project can be completed with the grant funds. In order to complete the project in its entirety we would

need to seek other funding sources to complete the project. There is a Community Development Block Grant that the City Parks and Recreation Department can submit in December, 2017 and the Community Center Building could potentially meet the criteria for funding from that grant if awarded.

City staff is requesting that the City Council provide feedback on an option as outlined below as to which project to move forward with.

OPTIONS

Option I: Complete the Riverbank Pool Locker room renovation and ADA improvements.

Submit the CDBG application in December, 2017 for the renovation of the Community Center Building.

Option II: Complete a portion of the Riverbank Community Center Renovation.

Option III: Have our Architect update the conceptual design and cost estimate for both projects. We cannot use grant funds for this purpose but we can use the set-aside funds that we have collected from facility rentals. This would take place in August/September, 2017.

Staff would work on the CDBG application from September-December, 2017 and submit the grant for the community center renovation in December, 2017. Grant awards will be announced in March, 2018. If we are awarded the CDBG funds, we can proceed with both projects.

If the City is not awarded the CDBG grant in March, 2018, staff will return to the City Council for direction on the use of the Housing Related Parks Grant options. We can still complete the project within the grant timeline of completion due by June, 2019.

City staff recommends option 3 since the pool locker room renovation will not meet the criteria for the Community Development Block Grant funding. The Community Center Building has the ability to meet the criteria for the upcoming grant.

FINANCIAL IMPACT

The project will be completed with grant funds so there will be no financial impact to the City other than staff time spent on the project.

ATTACHMENTS

1. Resolution – Authorizing Option 1
2. Resolution – Authorizing Option 2

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF THE AWARDED HOUSING RELATED PARKS GRANT FUNDS FOR THE RENOVATION OF THE COMMUNITY POOL LOCKER ROOMS AND ADA IMPROVEMENTS

WHEREAS, the State of California, Department of Housing and Community Development Department has issued an award letter to the City of Riverbank for a grant application that was submitted; and

WHEREAS, the funding for the grant is subject to the terms and conditions of the Notice of Funding Availability (NOFA) Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, the City of Riverbank desires to renovate the Riverbank Community Pool Locker Rooms and provide ADA improvements with the Grant Funds in the amount of $352,981.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Riverbank City Council approves the expenditure of the Housing and Related Parks Grant Funding to cover the costs of the renovation of the Riverbank Community Pool Locker Rooms and ADA Improvements.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of August, 2017; motioned by Councilmember , seconded by Councilmember , motion was carried by the following City Council vote of :

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

_____

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

_____

Richard D. O'Brien
Mayor

Attachment:

PROPOSED

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF THE AWARDED HOUSING RELATED PARKS GRANT FUNDS FOR THE PARTIAL RENOVATION OF THE COMMUNITY CENTER

WHEREAS, the State of California, Department of Housing and Community Development Department has issued an award to the City of Riverbank for a grant application that was submitted; and

WHEREAS, the funding for the grant is subject to the terms and conditions of the Notice of Funding Availability (NOFA) Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, the City of Riverbank desires to utilize the grant funds received in the amount of $352,981.00 to renovate a portion of the Riverbank Community Center Building.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Riverbank City Council approves the expenditure of the Housing and Related Parks Grant Funding to cover the costs of the partial renovation of the Riverbank Community Center Building.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of August, 2017; motioned by Councilmember , seconded by Councilmember ; motion carried by the following City Council vote of :

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

_____
Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

_____
Richard D. O'Brien
Mayor

Attachment:

PROPOSED