



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND THE
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS**

(The City Council also serves as the LRA Board)

Riverbank Community Center
3600 Santa Fe Street • Riverbank • CA • 95367

AGENDA

TUESDAY, SEPTEMBER 12, 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.
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1. PRESENTATIONS There are no presentations.

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 August 22, 2017, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** to Adopt the FY 2017-2018 Schedule of Fees for Park Amenity Rentals, Recreation Programs, and Facility Rentals for the City of Riverbank.

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 Riverbank News on 8/30/2017. The public notice for Item 5.2 was published in the Modesto Bee on 9/1/2017.

Item 5.1: **Conduct the First Reading and Introduction by Title Only of a Proposed Ordinance Amending Title XV: Land Usage; Chapter 150: Building Regulations, by Adding a New Section 150.17: Electric Vehicle Charging Systems** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only at the September 26, 2017 regular City Council meeting or soon thereafter to consider its adoption.

Item 5.2: **Conduct the First Reading and Introduction by Title Only of a Proposed Ordinance Amending Title III: Administration by Repealing in its Entirety Chapter 32: Commissions and Authorities and Substituting in its Place a New Chapter 32: City Boards, Commissions, and Committee of the City of Riverbank Code of Ordinances** – 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 September 26, 2017, regular City Council meeting or soon thereafter to consider its adoption.

6. NEW BUSINESS

Item 6.1: **A Resolution to Approve the Appointment of Scott McRitchie to the Planning Commission, and to have the Oath of Office Administered –**
It is recommended that the City Council adopt the resolution, based on the recommendation of Mayor O'Brien, to fill the remaining term of former Planning Commissioner Carlos Villapudua that expires on December 31, 2017, and have the Oath of Office administered.

Item 6.2: **Workshop on the North County Corridor and Present to the City Council Staff's proposed comments on the Publically Released North County Corridor Environmental Impact Report/Environmental Impact Statement –** It is recommended that the City Council receive the information as presented by Staff.

Item 6.3: **A Resolution Authorizing the City Manager to Execute a Contract with Willdan Financial Services for a Property Tax Sharing Agreement Economic Impact Analysis and to Appropriate \$15,000 from General Fund Reserves for Said Analysis –** It is recommended that the City Council consider adopting a Resolution authorizing the City Manager to enter into a contract with Willdan Financial Services to perform an Economic Impact Analysis with regards to the City's current Property Tax Sharing Agreement and appropriate \$15,000 from General Fund Reserves for the preparation of this Analysis.

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

ADJOURNMENT (The next regular City Council meeting – Tues., September 26@ 6:pm)

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 7th day of September, 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 aguilar@riverbank.org

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 12 , 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:	September 12, 2017
Subject:	Approval of the August 22, 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 August 22, 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. August 22, 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, AUGUST 22, 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:

Pastor Fred Wood, Riverbank Ministerial Association

ROLL CALL:

Present

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

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *1) A brief statement would be made by Mayor O'Brien on recent events; and 2) The Public Comments section of the agenda would be conducted prior to the Presentations.*

Mayor O'Brien made statements in response to the recent conflicts that occurred at Charlottesville, Virginia, the history of civil rights, and ensured economic and social justice to the citizens of Riverbank.

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. City Council proceeded to Item 2: Public Comments.

MAYOR O'BRIEN PROCEEDED TO AGENDA ITEM 2: PUBLIC COMMENT

1. PRESENTATIONS

Item 1.1: Recycled Waste Water Project Update. *Mr. Neal Caldwell of Kjeldsen, Sinnock, and Neudeck, Inc. made the presentation.*

MAYOR O'BRIEN PROCEEDED TO AGENDA ITEM 3: CONSENT CALENDAR

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.

Due to a large attendance of people wanting to make comments, Mayor O'Brien announced that a maximum of three minutes would be allowed, and comments would cease upon them becoming repetitive. Several residents of Riverbank and others from surrounding cities commented in regards to the fear of Police cooperating with Deportation Officials on the deportation of undocumented people; requesting the City Council to pass a resolution ensuring that the residents of Riverbank are safe and are supported by the City Council regardless of [citizenship] status.

Mayor O'Brien requested that a workshop for discussion on this matter be scheduled; the date of September 26th was proposed. The City Council requested to receive the proposed resolution, and to ensure that everyone is aware of the letters the Stanislaus County Sheriff has distributed on this subject matter [The Stanislaus County Sheriff's Department provides contracted Police Services to the City of Riverbank.].

CITY COUNCIL CALLED FOR A BRIEF RECESS AT 6:31 P.M.

CITY COUNCIL RECONVENED THE MEETING AT 6:35 P.M.

MAYOR O'BRIEN RETURNED TO AGENDA ITEM 1: PRESENTATIONS.

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 August 8, 2017, City Council and Local Redevelopment Authority Minutes.

Recommendation:

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

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / Passed 5-0) to approve Consent Calendar Items 3.A and 3.B 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

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2017-007 Amending Title XI: Business Regulations, By Repealing In Its Entirety Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation and Substituting In Its Place a New Chapter 120: Cannabis Regulations; and Repealing Section 110.19: Delivery By Vehicle In Chapter 110: Business License Tax of the Riverbank Municipal Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2017-007 and consider its adoption by roll call vote.

Planning and Building Manager Donna Kenney and City Manager Sean Scully presented the staff report.

City Council and Staff discussed the item.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / Passed 5-0) to approve Amending Title XI: Business Regulations, By Repealing In Its Entirety Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation and Substituting In Its Place a New Chapter 120: Cannabis Regulations; and Repealing Section 110.19: Delivery By Vehicle In Chapter 110: Business License Tax of the Riverbank Municipal Code of Ordinances by adoption of Ordinance No. 2017-007, with the additional modifications of: 1) Per Deputy Attorney's recommendation, remove the 1/16,000 ratio for commercial cannabis dispensaries to eliminate a monopoly; rather allow the market to determine the number of dispensaries; 2) In regards to private grows, instead of an initial inspection and an annual inspection thereafter, conduct an initial inspection when permit is issued, and include in the permit's language that an inspection by the City may be conducted by providing a 48/24 notice of inspection; and 3) Change the language in Section 120.06(F) to state "Not more than (6) living plants may be planted, cultivated, harvested, dried, or processed within a single private residence at any one (1) time."*

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

5. PUBLIC HEARINGS

There were no items to consider.

6. NEW BUSINESS

Item 6.1: **Direction on League of California Cities Annual Conference Resolutions** – It is recommended that the City Council provide direction to the voting member regarding the City of Riverbank's position on the two resolutions which will be considered at this year's League of California Cities Annual Conference General Assembly.

City Manager Sean Scully presented the staff report.

Resolution No. 1: “A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW”

Mayor O'Brien commented on his support; there was unanimous City Council consent to support Resolution No. 1.

Resolution No. 2: “A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS”

City Council discussed the proposed Resolution; City Council consented to remain neutral on Resolution No. 2.

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 *There were no staff comments.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Fosi commented on her appreciation of the large audience participation of the evening's meeting, and encouraged their continued participation.*
- *Council/Authority Member Barber-Martinez agreed with the public participation comment and encouraged attendance on the public hearing of the North County Corridor Project in Oakdale.*

- *Vice Mayor/Chair Jones Cruz encouraged those who proposed a resolution during the public comment period to provide a copy to the City Council and also appreciated the public participation.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) stated, on behalf of the City Council, that the comments he made earlier in regards to opposing white supremacy were heartfelt, and the City Council will not tolerate any white supremacist or any organization that promotes racial discord, violence, or hatred; 2) announced that the City of Riverbank would become 95 years old tomorrow; 3) requested to see policies on the ability of the City to govern the Care and Board Homes in the City of Riverbank, and 4) announced that the next City Council would be a joint meeting and that changing the rules of the Budget Advisory Committee or the Planning Commission could still be considered.

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 Items and opened the Items for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 7:45 p.m.

Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 6612 Central Avenue, Riverbank, CA
Agency Negotiator: City Manager Sean Scully
Property Negotiator: Daniel Vidal
Under Negotiation: Price, terms of payment, or both

Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6
Agency representative: City Manager Sean Scully
Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit

9. REPORT FROM CLOSED SESSION

Mayor/Chair O'Brien reconvened the meetings at 8:00 p.m.

Item 9.1: Report from Closed Session Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Item 9.2: Report from Closed Session Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:00 p.m.

ATTEST: (Adopted 09/12/2017)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

DRAFT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDER

Meeting Date:	September 12, 2017
Subject:	A Resolution to Adopt the FY 2017-2018 Schedule of Fees for Park Amenity Rentals, Recreation Programs, and Facility Rentals for the City of Riverbank
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution to approve the FY 2017-2018 fees for Park Amenity Rentals, Recreation Programs and Facility Rentals. The recommended fee increases, and new classes/programs offered with associated fees are highlighted in Exhibit A.

SUMMARY

The schedule of Park Amenity Rentals, Recreation Programs and Facility Rental Fees for the 2017-2018 Fiscal year is attached as Exhibit A for the City Council consideration.

BACKGROUND

The City Parks and Recreation Department periodically conducts an analysis of its Park and Recreation Programs; the costs of providing those programs; the beneficiaries of those programs, as well as the revenues and expenses incurred with those programs. One-hundred percent (100%) cost recovery is the goal for most of the programs offered. We strive toward this goal through managing expenses as well as revenue. While active cost recovery does occur through most facility, park reservations, and special events; other programs struggle to achieve cost recovery while remaining affordable for the community. The aquatics program is a key example. While the swim team and swim lessons pay for a portion of the associated costs, the aquatics program recovers only about 60% of the annual operational costs. The Teen Center also requires General Fund support. In the past, the City Council has determined that these programs provide public safety benefits and serve as an investment in the City's youth and general public welfare thus ongoing General Fund subsidies have helped fund these programs.

FINANCIAL IMPACT:

The Financial Impact is reflected within the 2017-2018 Budget. Many programs are now self-sufficient with 100% recovery of costs with the exception of the Teen Center, the Aquatics Program and the Christmas Parade.

The Enterprise Fund is supplemented by the General Fund to help support the Community Center and Scout Hall Building operation and maintenance as well as fee waivers that have been approved by the City Council.

The General Fund supports the operations of the Recreation and Park Program operations and maintenance.

The fee adjustments recommended at this time are predominately related to our Aquatics Program. These fees have remained the same for a number of years and need to be increased to compensate for the increase in minimum wage and cost of chemicals. It is recommended that the Tot Time class fee be increased as well due to the increase in staffing costs. By raising these fees we will be able to maintain the programs as self-sufficient or the cost recovery rate at the desired level.

Utility costs have increased at our community gymnasium and for lights at our sports fields. The recommendation is to adjust these fees to help compensate for this increase. The City supplements the utility costs as the fees paid by the user do not cover the full costs of the utilities.

STRATEGIC PLAN

This report has been prepared to accomplish the following Goal established at the March 20, 2017 Strategic Planning Session:

“Achieve and maintain financial stability and sustainability”

ATTACHMENTS:

- 1) Resolution
- 2) Exhibit A: Schedule of Fees

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO ADOPT THE FY 2017-2018 SCHEDULE OF FEES FOR PARK
AMENITY RENTALS, RECREATION PROGRAM AND FACILITY RENTALS FOR
THE CITY OF RIVERBANK**

WHEREAS, the City of Riverbank's Parks and Recreation Department conducts an analysis of its Parks and Recreation Programs, the costs of providing those programs and amenities, the beneficiaries of those programs and amenities, and the revenues and expenses incurred for those programs and amenities; and

WHEREAS, an annual review of all fees to be charged to provide the programs and amenities is conducted and presented to the City Council; and

WHEREAS, any new program fees or fee adjustments proposed are presented to the City Council for consideration as needed: and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves and establishes the Fiscal Year 2017-2018 Park Amenity Rentals, Recreation Programs and Facility Rental Schedule of Fees hereto as outlined in **Exhibit A** attached.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12th day of September, 2017; motioned by Councilmember _____, seconded by Councilmember _____, and motion carried by the following City Council _____ vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachments: Exhibit A – 2017-2018 Parks and Recreation Schedule of Fees

Exhibit A

CITY OF RIVERBANK FY 2017-2018 PARKS AND RECREATION SCHEDULE OF FEES

DESCRIPTION		Current Fee	New Fee
Park Rental: (all parks with gazebos)			
Resident	Rental	\$100.00	-
Non-resident	Rental	\$200.00	-
Park Rental: (small areas at JMP)			
Resident	Rental	\$50.00	-
Non-resident	Rental	\$100.00	-
Wedding Gazebo @Jacob Myers	Rental	\$500.00	-
Electricity (Jacob Myers/Pavilion)	Rental	\$20.00	-
Bounce House permit (except JMP)		\$25.00	-
Parking Fee (May – September)		\$7.00	-
Castleberg Park – Ball Diamonds			
Lights (2 hour minimum)	Per hour	\$15.00	\$20.00
Park Aide/Site Monitor	Per hour	\$18.00	-
Field Use (non-riverbank team)	Per day	\$25.00	-
Tournament (per field)	Per day	\$100.00	-
Tournament/Park Aide	Per hour	\$18.00	-
FACILITY RENTAL: COMMUNITY CENTER			
Community Center			
Resident	Rental	\$1,300.00	-
Non-resident	Rental	\$1,600.00	-
Service Group		\$500.00	-
(Prior to March 2016)		\$350.00	-
Custodial only (w/waiver)		\$100.00	-
Set up/Take down		\$100.00	-
Memorial Service (3 hours maximum)		\$400.00	-
Options:			
Stage		\$100.00	-
Sound system	Rental	\$50.00	-
Set up the day before (4 hour max)		\$200.00	-
Meeting Fee (2 hrs.)		\$50.00	-
Scout Hall			
		Current Fee	New Fee
Resident	Rental	\$350.00	-
Non-resident	Rental	\$400.00	-
Service Group		\$100.00	-
Custodial only (w/waiver)		\$60.00	-
Meeting Fee (2 hrs.)		\$25.00	-
Memorial Service		\$200.00	-

Exhibit A

CITY OF RIVERBANK FY 2017-2018 PARKS AND RECREATION SCHEDULE OF FEES

DESCRIPTION		Current Fee	New Fee
<i>Gym Rental</i>			
Refundable Deposit		\$250.00	-
Profit Groups		\$200.00 per day	-
School/Non-profit (3 hours)		\$50.00 per day	-
Additional hours after 3	Per hour		\$25.00
Staff fee		\$18.00 per hour	-
Scoreboard		\$50.00 per day	-
<i>Sports Complex</i>			
FOOTBALL			
Staff – County resident	Per hour	\$18.00	-
Staff- Out of county resident	Per hour	\$25.00	-
Flag Football – Adult – County	Per hour	\$30.00	-
Flag Football – Adult – Non-county	Per hour	\$40.00	-
Youth practice – County	Per hour	\$20.00	-
Youth practice – Non-county	Per hour	\$30.00	-
FIELD USE – GAMES County	Per day	\$500.00	-
FIELD USE – GAMES Non-county	Per day	\$600.00	-
SOCCER			
Field Use – Adult practice – County	Per hour	\$25.00	-
Field Use – Adult practice – Non County	Per hour	\$35.00	-
Field Use – Adult Games – County	Per hour	\$30.00	-
Field Use -Adult Games – Non County	Per hour	\$40.00	-
Adult Tournament – County	5 hours	\$300.00	-
Adult Tournament – Non County	5 hours	\$400.00	-
Youth – Practice – County	Per hour	\$10.00	-
Youth - Practice – Non County	Per hour	\$20.00	-
Youth – Games – County	Per hour	\$15.00	-
Youth – Games - Non County	Per hour	\$30.00	-
Youth Tournament – County	5 hours	\$160.00	-
Youth Tournament – Non County	5 hours	\$300.00	-
FOOTBALL AND SOCCER		Current Fee	New Fee
Staffing – County	Per hour	\$18.00	-
Staffing – Non-resident	Per hour	\$25.00	-
Field/Parking lights – County	Per day	\$30.00	-
Field/Parking Lights- Non-county	Per day	\$40.00	-
Chalk/Paint deposit County	Per day	\$250.00	-
Chalk/Paint deposit Non-county	Per day	\$300.00	-

Exhibit A

CITY OF RIVERBANK FY 2017-2018 PARKS AND RECREATION SCHEDULE OF FEES

DESCRIPTION		Current Fee	New Fee
Chalk/Paint Rental County	Per day	\$50.00	-
Chalk/Paint Rental Non-county	Per Day	\$60.00	-
Scoreboard Rental County	Per day	\$50.00	-
Scoreboard Rental Non-county	Per day	\$60.00	-
Snack Bar Rental – County	Per day	\$250.00	-
Snack Bar Rental – Non-county	Per day	\$350.00	-
Field Prep/open close Resident		\$30.00	-
Field Prep/open close Non-resident		\$40.00	-
CLASSES/CAMPS			
Tot Time	Per session	\$75.00	\$80.00
Dance classes (*Ballet Folklorico/Hip Hop)	Per session	\$35.00	-
Camps (8 am to 5 pm)		\$100.00	-
Camps (9 am to 12 noon)		\$55.00	-
Basketball (includes a ball)		\$75.00	-
Camps (3 to 5 year olds)		\$25.00	-
Dance Class (Bellalise 70/30)			\$50.00
Recreational Swim		\$2.00	
Swim Lessons	Resident	\$50.00	\$55.00
	Non-resident	\$55.00	\$60.00
Private Swim Lessons		\$130.00	\$140.00
Swim Team	First child	\$115.00	-
	Additional	\$100.00	-
Pool Parties	Deposit	\$100.00	
		\$80.00 under 70 guests	\$90.00
		\$90.00 non-resident	\$100.00
		\$90.00 71-100	\$100.00
		\$100.00 non-resident	\$110.00
		\$100.00 101-160	\$110.00
		\$110.00 non-resident	\$120.00
Pool Pass		\$60.00 individual	\$80.00
		\$100.00 family of 4	\$150.00

Exhibit A

CITY OF RIVERBANK FY 2017-2018 PARKS AND RECREATION SCHEDULE OF FEES

DESCRIPTION		Current Fee	New Fee
Zumba Gold		\$2.00 per class	-
Tai Chi Chuan (70/30)		\$5.00 per class	-
FAMILY ZUMBA (70/30)	Parent/child	\$55.00 per session	
HAYRIDE	Adults	\$10.00	\$12.00
	Children	\$5.00	\$6.00
Christmas Booth		\$25.00	-

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	September 12, 2017
Subject/ Title:	Conduct the First Reading and Introduction by Title Only of a Proposed Ordinance Amending Title XV: Land Usage; Chapter 150: Building Regulations, by Adding a New Section 150.17: Electric Vehicle Charging Systems
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance and consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only at the September 26, 2017 regular City Council meeting or soon thereafter to consider its adoption.

SUMMARY

In 2015, the State of California adopted Assembly Bill 1236 (2015, Chiu, Codified as Government Code Section 65850.7), which requires cities to adopt an ordinance to create an expedited, streamlined permitting process for electric vehicle charging stations.

An electric vehicle charging station is any level of electric vehicle supply equipment station which delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. AB 1236 refers to recommendations and a checklist in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of Planning and Research.

BACKGROUND

Assembly Bill 1236 amended Government Code Section 65850.7 to require cities with a population of less than 200,000 residents to establish procedures for expediting the permitting of electric vehicle charging stations. The amendments to Section 65850.7

include the requirement for a city to adopt an ordinance on or before September 30, 2017. The ordinance shall include the requirement that the city adopt a checklist of requirements (Attachment 2) with which a permit application for an electric vehicle charging station will be eligible for expedited review.

This process includes the establishment of a checklist containing objective requirements for the installation of an electric vehicle charging station and a process for electronic submittal of permit applications. The content of the checklist requires the permit applicant to check the features of the existing electrical service such as rating in amperes, system voltage, connected or calculated load, spare capacity in amperes, voltage and ampere rating of the electric vehicle supply equipment, circuit rating of the electric vehicle supply equipment, location of the electric vehicle supply equipment, if ventilation is/ or is not required, and clearances of the charging equipment to comply with all applicable building and fire safety laws. The checklist also assists the applicant in confirming that the location of the electric vehicle supply equipment will comply with any vehicle clearance requirements in a city's zoning ordinance. Section 65850.7 requires that the city's checklist be based on the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" of the Governor's Office of Planning and Research.

Assembly Bill 1236 (2015) also clarifies that a jurisdiction shall not condition approval of a permit for an electric vehicle charging station based on the approval of an association as defined in California Civil Code, Section 4080.

RECOMMENDATION

The recommendation is that the City Council introduces for First Reading the attached ordinance, given Government Code Section 65850.7's requirement that local agencies adopt such an ordinance to create an expedited, streamlined permitting process for electric vehicle charging stations on or before September 30, 2017.

Next Steps

Concurrent with Council's adoption of the ordinance, staff is taking the measures to meet all requirements of Assembly Bill 1236 (2015) by September 30, 2017. This includes finalizing the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook", measures for electrical compliance, and standard items for fire prevention safety. Building staff is also developing procedures for expedient and thorough inspection of the electric vehicle charging stations.

GENERAL PLAN:

The proposed ordinance is consistent with the following aspects of the General Plan:

- (a) *Policy DESIGN-18.1: The City will promote safe and sustainable energy collection and distribution systems that draw from renewable energy sources.*
- (b) *Policy HOUSING-6.1: Continue to implement state energy-efficient standards.*

ENVIRONMENTAL DETERMINATION:

The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15268 (b)(1) Ministerial Projects – Issuance of Building Permits.

FINANCIAL IMPACT

This proposed ordinance has no anticipated financial impact as the costs would be recovered by existing building permit fees.

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. The above action to add Expedited Permitting Procedures for an expedited, streamlined permitting process for electric vehicle charging stations is not part of these goals but is a State of California mandate.

ATTACHMENTS

1. Proposed City Council Ordinance No. 2017-XXX
2. Residential and Commercial Checklists

**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 XV: LAND USAGE; CHAPTER 150: BUILDING
REGULATIONS, BY ADDING A NEW SECTION 150.17: ELECTRIC VEHICLE
CHARGING SYSTEMS TO THE RIVERBANK CODE OF ORDINANCES**

WHEREAS, the State of California and the City of Riverbank have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

WHEREAS, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the City's reliance on environmentally damaging fossil fuels.

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

SECTION 1: The Riverbank Municipal Code, Title XV: Land Usage; Chapter 150: Building Regulations shall be amended by adding a new Section 150.17: Electric Vehicle Charging Systems, which shall read as follows:

§ 150.17 ELECTRIC VEHICLE CHARGING SYSTEMS.

(A) PURPOSE

The purpose of this Chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Chapter complies with California Government Code Section 65850.7.

(B) DEFINITIONS

(1) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(2) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) "Electronic submittal" means the utilization of one or more of the following:

- a. Electronic mail or email.

- b. The internet.
- c. Facsimile.

(C) EXPEDITED PERMITTING PROCESS

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist shall be published on the City’s website.

(D) PERMIT APPLICATION PROCESSING

(1) Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; and areas of charging station equipment and vehicle parking.

(2) A permit application that satisfies the information requirements in the City’s adopted checklist shall be deemed complete and promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(3) Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

(E) TECHNICAL REVIEW

(1) It is the intent of this Ordinance to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official’s authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this Chapter, the City / County may require the applicant to apply for a conditional use permit.

(2) In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

(F) ELECTRIC VEHICLE CHARGING STATION INSTALLATION REQUIREMENTS

(1) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.

(2) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

(3) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

(4) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(G) Any provision of the City of Riverbank Municipal Code or appendices thereto, inconsistent with the provisions of this chapter, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this chapter.

(H) 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. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3: This Ordinance shall become effective thirty (30) days after its final passage and adoption, provided it is published pursuant to GC § 36933 in a newspaper of general circulation and published within fifteen (15) days after its passage.

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 September 12, 2017. Said ordinance was given a second reading by title only and adopted by the City Council.

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:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney



City of Riverbank
Development Services Department
6707 Third Street, Riverbank, CA 95367
Office (209) 863-7128 FAX (209) 869-7126

CHECKLIST FOR RESIDENTIAL ELECTRICAL VEHICLE CHARGING SYSTEMS

All forms available at www.riverbank.org

- Completed [BUILDING PERMIT APPLICATION](#)
- Completed [ELECTRICAL LOAD WORKSHEET](#) if required below
- Equipment Manufacturer's Installation Instructions

Electronic Submittal Requirements

- PDF files of forms listed above
- Email all PDF files to jsmallen@riverbank.org
- Email and all attachments must be less than 10 Mb

GENERAL REQUIREMENTS:

Level of EV charging:

- ☐ Level 1 (120V) ☐ Level 2 (240V)

Type of equipment being installed:

- ☐ NEMA 14-50 ☐ NEMA 5-15 ☐ NEMA 5-20 ☐ Other _____

Equipment Overcurrent Protection Rating:

- ☐ 50A ☐ 15A ☐ 20A ☐ Other _____

Existing Electrical Service (If less than 200A, provide [ELECTRICAL LOAD WORKSHEET](#)):

- ☐ 100A ☐ 125A ☐ 150A ☐ 200A

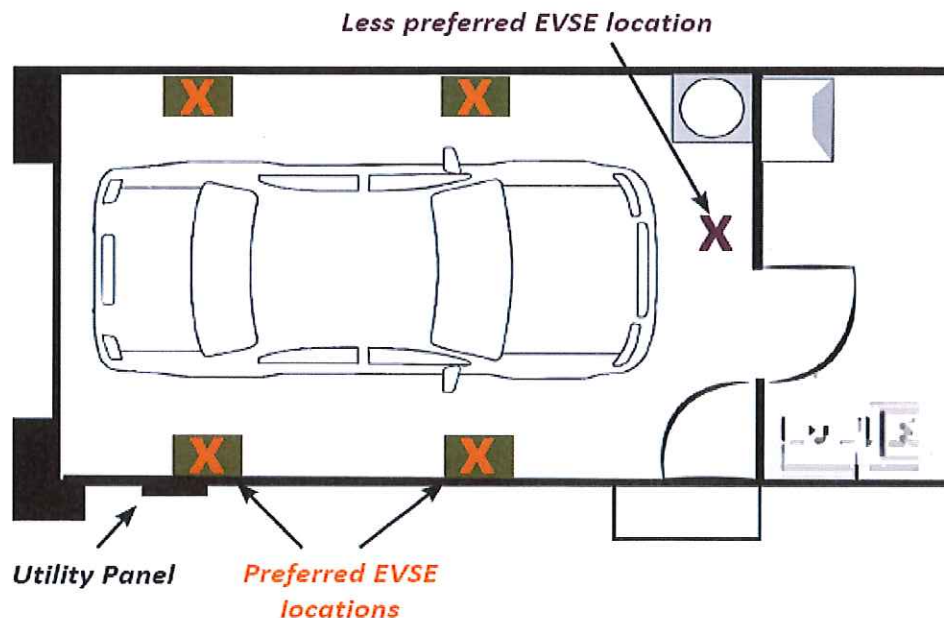
Branch Circuit Distance:

- ☐ 100 Feet or less ☐ More Than 100 Feet

Conductor Size:

- ☐ #14 Cu ☐ #12 Cu ☐ #6 Cu ☐ Other _____

CIRCLE THE APPROXIMATE LOCATION OF THE CHARGING SYSTEM:





City of Riverbank
 Development Services Department
 6707 Third Street, Riverbank, CA 95367
 Office (209) 863-7128 FAX (209) 869-7126

CHECKLIST FOR COMMERCIAL ELECTRICAL VEHICLE CHARGING STATIONS

All forms available at www.riverbank.org

Completed [BUILDING PERMIT APPLICATION](#)

- Three copies of site plan
- Three copies of electrical plan
- Equipment Manufacturer's Installation Instructions

Electronic Submittal Requirements

- PDF files of forms and plans listed above
- Email all PDF files to jsmallen@riverbank.org
- Email and all attachments must be less than 10 Mb

PLAN REQUIREMENTS:

Site Plan:

- ☐ Building footprints and landscaped areas
- ☐ Parking and circulation areas
- ☐ Show locations of any existing and all proposed EV stations, panels, and other service equipment
- ☐ Demonstrate compliance with accessibility provisions

Electrical Plan:

- ☐ Electrical and equipment layout
- ☐ Single line diagram
- ☐ Electrical Load Calculations (Existing + New) and Panel schedule
- ☐ Demonstrate compliance with accessibility provisions

Total Number Of EVCS At Facility	Minimum Number (by type) Of EVCS Required		
	Van Accessible	Standard Accessible	Ambulatory
1-4	1	0	0
5-25	1	1	0
26-50	1	1	1
>50	See CBC Table 11B-228.3.2.1		

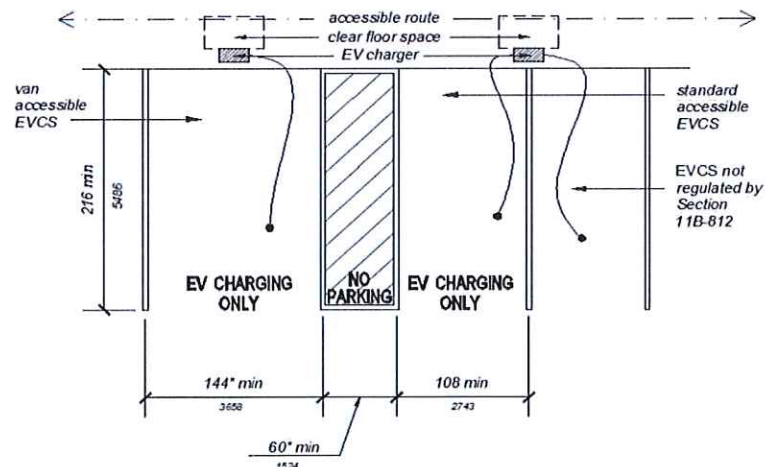


FIGURE 11B-812.9.
SURFACE MARKING

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date: September 12, 2017

Subject: Conduct the First Reading and Introduction by Title Only of a Proposed **Ordinance** Amending Title III: Administration by Repealing in its Entirety Chapter 32: Commissions and Authorities and Substituting in its Place a New Chapter 32: City Boards, Commissions, and Committee of the City of Riverbank Code of Ordinances

From: Sean Scully, City Manager

Submitted by: Annabelle H. Aguilar, CMC, City Clerk/Sr. Management Analyst

RECOMMENDATION

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 September 26, 2017, regular City Council meeting or soon thereafter to consider its adoption.

SUMMARY

The City Council establishes the advisory bodies that are designated by statute or administrative discretionary, each with distinct responsibilities to address specific matters of local interest, and assist in accomplishing strategic goals. It is beneficial for the City of Riverbank to have diverse citizen participation, as well as when deemed necessary, business owner participation on its advisory boards, commissions, and committees. The amendment of Chapter 32: Commissions and Authorities of the Riverbank Municipal Code (RMC) clarifies and establishes general guidelines for the creation, purpose, rules, and procedures of the City's boards, commissions, and committees and to update the Code to better reflect the City's current advisory bodies pursuant to state statutes.

Any current bylaws or rules of procedures of existing boards, commissions, or committees will be reviewed, and if need be, amended to comply with the adopted ordinance.

Chapter 32 – Clarification and Expansion of General Guidelines

Guidelines of the establishment, operation, and dissolution of City boards, commissions, and committees have been refined to enable the City Council, or at the recommendation of City staff, to form, govern, and dissolve advisory bodies as needed.

Chapter 32 – Removal of Obsolete Provisions

Community Recreation Commission – This Commission was created on July 9, 1956 by City Council to serve as an advisory body. The duty of said Commission is to make recommendations and advise the City Council on matters pertaining to the creation, operation, maintenance, management and control of community recreation programs, play grounds, and indoor and outdoor recreational activities. The use of this Commission was ineffective and difficult to manage due to lack of citizen participation; therefore, it has ceased to function and exist for several years. The Director of Parks and Recreation has been effectively managing the City's parks and recreation programs, with the advisory assistance of The Friends of Jacob Myers Park, a nonprofit organization, which has been sufficiently serving the City.

Riverbank Redevelopment Agency (RDA) – The RDA ceased to exist by Governor Jerry Brown's "Dissolution Bill", AB X1 26, which became effective on October 1, 2011.

Chapter 32 – Retention and Refinement of Provisions

The following provisions have been revised and will remain as part of the Code due to their current or future need, and their existence pursuant to state statutes:

Industrial Development Authority – This is a public instrumentality of the State of California for the purposes of exercising powers granted by the California Industrial Development Financing Act. The purpose of the Authority is to undertake projects through the issuance of tax-exempt bonds to increase opportunities for useful employment or otherwise contribute to economic development in the city pursuant to the powers and obligations of the Act.

Planning Commission – This Commission is established Pursuant to Chapter 3, Title 7 of the California Government Code. The Commission serves as an advisory body to the City Council on such land use matters pertaining to zoning, use permits, development, as well as the creation of the City's General Plan and Specific Plans.

Environmental Review Committee – The purpose of this Committee is to review public projects in accordance with the California Environmental Quality Act (CEQA).

FINANCIAL IMPACT

There is no financial impact to this report.

ATTACHMENT

1. Proposed Ordinance No. 2017-xxx

CITY OF RIVERBANK

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE III: ADMINISTRATION BY REPEALING IN ITS
ENTIRETY CHAPTER 32: COMMISSIONS AND AUTHORITIES AND
SUBSTITUTING IN ITS PLACE A NEW CHAPTER 32: CITY BOARDS,
COMMISSIONS, AND COMMITTEE OF THE CITY OF RIVERBANK CODE OF
ORDINANCES**

WHEREAS, the City Council has established advisory bodies designated by statute, or administrative discretionary, each with distinct responsibilities to address specific matters of local interest and to assist in accomplishing strategic goals; and

WHEREAS, citizen-based advisory bodies offer varied talents of community expertise, perspectives, problem-solving; and decision-making to assist in addressing the multitude aspects of public matters, services, and development of a city; and

WHEREAS, civic-minded advisory bodies play an important role in city governance by providing judicious advise, recommendations, and decisions to assist the City Council in formulating and implementing policy.

WHEREAS, it is beneficial for the City of Riverbank to provide citizens and business owners the opportunity to participate as members of an advisory body and to strive to have them be a diverse body that lends to facilitate a comprehensive representation of the community; and

WHEREAS, the City Council establishes general guidelines for the creation, purpose, rules, and procedures of the City's boards, commissions, and committees herein set by the Riverbank Municipal Code.

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

SECTION 1: Chapter 32: Commissions and Authorities of Title III: Administration of the Riverbank Municipal Code shall be amended, by repealing, in its entirety, Chapter 32 and replacing it with a new Chapter 32: City Boards, Commissions, and Committees, which shall read as follows:

CHAPTER 32: CITY BOARDS, COMMISSIONS, AND COMMITTEES

Section

General

- 32.01 General
- 32.02 Membership
- 32.03 Appointments
- 32.04 Term of office
- 32.05 Vacancy
- 32.06 Powers, duties, and responsibilities
- 32.07 Meetings; bylaws; rules and procedures
- 32.08 Dissolution of boards, commissions, or committees

Industrial Development Authority

- 32.20 Purposes
- 32.21 Findings
- 32.22 Declarations
- 32.23 Dissolution of the authority

Planning Commission

- 32.30 Commission established.
- 32.31 Membership and terms of office
- 32.32 Compensation
- 32.33 Meetings; rules and procedures
- 32.34 Staff Support
- 32.35 Powers and duties

Environmental Review Committee

- 32.45 Established; composition
- 32.46 Terms of office
- 32.47 Meetings; quorum
- 32.48 Records
- 32.49 Duties; powers; responsibilities
- 32.50 Environmental Impact Report preparation thresholds
- 32.51 City responsibility for environmental assessment
- 32.52 Guidelines; California Environmental Quality Act
- 32.53 Appeals
- 32.54 Fees
- 32.55 Effect

§ 32.01 GENERAL.

(A) Boards, commissions, and committees shall be established by the City Council and shall have powers and duties as established herein, by resolution, or state statute. The City Council may create by resolution special committees and such temporary ad hoc committees as in its judgment are required or deemed necessary to render advice or recommendations to the City Council on subject matters within its jurisdiction.

(B) Unless otherwise provided by law, ordinance, or resolution, all actions of the boards, commissions, and committees may be subject to the review, modification, and approval by the City Council.

§ 32.02 MEMBERSHIP.

(A) The members of boards, commissions, and committees shall be appointed as established herein, unless otherwise stated by law, ordinance, or resolution. Notwithstanding the provisions of Sections 32.45 et. seq., voting members shall not be elected officials of the city; nor shall any member be employed by the City of Riverbank government. In order to be eligible for appointment to such bodies, a person shall be a qualified registered elector of the City of Riverbank. Under special circumstances, as deemed necessary, an owner of a business located within the city limits may serve as a member. In no event shall less than a majority of any board, commission, or committee be made up of qualified registered electors of the city.

(B) *Removal.* Any member of a board, commission, or committee may be removed from office at any time, with or without cause, by a majority vote of the City Council, except in cases where the Mayor or City Council are not the appointing authority (in which cases such regular appointing authority may exercise this power of removal).

(C) Unless otherwise specifically provided by the action establishing the body or appointing its initial members, the City Council at its discretion may limit the number of citizen advisory bodies a person may serve on simultaneously.

(D) *Attendance.* All members appointed must be active participants in order for the board, commission, or committee to function effectively and accomplish its goals. Members must notify the secretary or designated recorder at least twenty-four (24) hours in advance if he or she is unable to attend a meeting. If a member is absent from three (3) regular, opened meetings, without cause or notice, or from twenty-five (25) percent of the duly annual regularly scheduled opened meetings, the membership shall thereupon become vacant and shall be filled as any other vacancy.

(E) *Compliance with State Requirements.* Members of boards, commissions, and committees, shall comply with applicable state laws that govern mandatory training courses, conflict of interest declarations and Political Reform Act requirements, the Ralph M. Brown Act requirements, and other provisions of laws as required. Noncompliance shall be cause for removal.

§ 32.03 APPOINTMENTS.

Pursuant to Cal. Gov. Code § 40605 the Mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees for staggered terms, unless otherwise specifically provided by statute, ordinance, or resolution.

(A) *Alternate Member.* The Mayor, with the approval of the City Council, may appoint one or two alternate members to each board, commission, or committee to serve a staggered two-year (2) term. During their term as such, the alternate(s) shall have all of the powers and duties of a regular member except his or her right to vote shall only be allowed and have legal effect when he or she is seated as an acting member of the board, commission, or committee in the absence of a regular member.

(1) The alternate member shall attend the scheduled meetings. An Alternate member shall take measures to be prepared to serve in the absence of a regular member by ensuring his or her review and comprehension of reports or documents on subject matters, and by ensuring his or her familiarity with previous actions taken and discussions conducted on matters of consideration.

(2) *Compensation for Alternate Member.* Compensation for an alternate member shall be 50% of the compensation received by a regular member for attendance of an opened meeting. When an alternate member takes the place of a regular member, the alternate shall be paid the full amount normally received by the regular member.

(3) If multiple alternate appointments are made to a board, commission, or committee, they shall be designated by sequential numbering to establish the order of who will be called upon to serve (i.e., Alternate -1; Alternate-2).

(4) In the event one or more interim vacancies on a board, commission, or committee occurs, an alternate member, by order of number assigned if multiple alternate positions exist, shall by City Council resolution, assume the unexpired portion of the term vacated and shall serve as a regular member.

(5) A new alternate may be recruited pursuant to Section 32.05 of this chapter to fill the unexpired term vacated, and may be reappointed as an alternate without the conduct of a recruitment on a one (1) time basis to fulfill a new two-year term.

§ 32.04 TERM OF OFFICE.

Members of a board, commission, or committee shall serve at the pleasure of the City Council for staggered year terms as set by statute, ordinance, or resolution.

§ 32.05 VACANCY.

(A) *Scheduled Vacancy.* Whenever a scheduled vacancy occurs due to an expired term, a recruitment process shall be conducted in accordance with any resolution establishing the terms of office and procedures by which to fill vacancies. The recruitment procedures shall be no less than by posting a special vacancy notice in the City Clerk's Office, city exterior public building boards, the city website and social media links, and published in a local newspaper, within twenty (20) days after the vacancy occurs. A final appointment to the board, committee, or commission to fill the vacancy shall not be made for at least 10 working days after posting of the notice.

(B) *Unscheduled Vacancy.* Whenever an unscheduled vacancy occurs on a board, commission, or committee whether due to resignation, removal, or other cause, a vacancy may be filled pursuant to Section 32.03 of this chapter if an alternate member exists.

(1) When no alternate member exists to fill an unscheduled vacancy, a recruitment process shall be conducted pursuant to Section 32.05 (A).

(C) If the City Council determines that an emergency exists, it may fill an unscheduled vacancy immediately. Persons appointed to fill vacancies shall serve on an acting basis until final appointment is made, and in no event longer than the unexpired term.

§ 32.06 POWERS, DUTIES AND RESPONSIBILITIES.

The powers, duties, and responsibilities of a board, commission, or committee shall be specified herein or by adoption of a City Council resolution that establishes its bylaws or its rules and procedures.

§ 32.07 MEETINGS; BYLAWS; RULES AND PROCEDURES.

(A) Unless otherwise already provided by law, ordinance, or resolution, a board, commission, and committee shall by City Council resolution adopt bylaws or rules and procedures to establish and govern its powers, duties, and responsibilities; terms of service; compensation; and other matters that constitutes its organization and its order and conduct of a public meeting and transaction of public business.

(B) The bylaws or rules and procedures shall include compliance with applicable state laws that govern mandatory training courses, conflict of interest declarations and Political Reform Act requirements, the Ralph M. Brown Act requirements, and other provisions of laws as required.

(C) The bylaws or rules and procedures must be consistent with the Riverbank municipal code and applicable state laws. Any amendments to the bylaws or rules and procedures shall be made by resolution.

§ 32.08 DISSOLUTION OF BOARDS, COMMISSIONS, OR COMMITTEES.

Unless otherwise stated by statute or ordinance a board, commission, or committee that has served its purpose shall be abolished by City Council resolution.

INDUSTRIAL DEVELOPMENT AUTHORITY

§ 32.20 PURPOSES.

(A) The California Industrial Development Financing Act, Cal. Gov't Code §§ 91500 et seq. (the "Act"), has established in the city, a public instrumentality of the State of California known as the Industrial Development Authority of the city of Riverbank, for the purpose of exercising powers granted by the Act.

(B) The public purposes are to increase opportunities for useful employment or otherwise contribute to economic development.

(C) The sole purpose of an authority is to undertake projects through the issuance of tax-exempt bonds in accomplishment of the purposes provided in the Act and to carry out and complete such projects and perform and exercise derivative obligations and powers.

§ 32.21 FINDINGS.

The need for the establishment of an Industrial Development Authority is based upon findings that industry requires an alternative method of low-cost capital financing, that such an authority can provide, in order for it to undertake the acquisition, construction, or rehabilitation of facilities which will serve public purposes.

§ 32.22 DECLARATIONS.

(A) *Need.* There is a need in the City for an Industrial Development Authority to provide industry with an alternative and additional method of financing capital projects with specified public purposes by the issuance of tax-exempt industrial development bonds in accordance with state policy as set forth in the Act.

(B) *Organization.* The industrial development authority of this City established by the Act is hereby declared organized and shall function under the name "Industrial Development Authority of the City of Riverbank," and shall meet on an as needed basis. The Authority shall be

authorized to transact business and exercise all of the powers and other authority conferred upon industrial development authorities in such Act.

(1) Pursuant to the Act, the City Council may appoint a board of directors of an industrial development authority, or may by resolution declare itself to be the board in which case all the rights, powers, privileges, duties, liabilities, disabilities, and immunities vested in a board shall be vested in the governing body.

§ 32.23 DISSOLUTION OF THE AUTHORITY.

Whenever the governing body shall declare that there is no longer a need for an authority, and the authority shall no longer function, the dissolution of the authority shall occur in the manner as indicated pursuant to the Act.

PLANNING COMMISSION

§ 32.30 COMMISSION ESTABLISHED.

Pursuant to Chapter 3, Title 7 of the California Government Code, A Planning Commission is hereby established in and for the city of Riverbank.

§ 32.31 MEMBERSHIP AND TERMS OF OFFICE.

(A) The Planning Commission shall consist of five (5) voting members who shall serve four-year terms of office, and one (1) alternate member who shall serve a two-year term of office, all of whom shall be residents and registered voters of the City of Riverbank.

(1) In accordance with Section 32.03 of this chapter:

(a) The Mayor with the approval of the City Council may appoint an additional alternate member as deemed necessary.

(b) Alternate members shall be prepared to serve in the absence of a regular member when called upon.

(B) The provisions of membership in Section 32.02 of the chapter shall apply. Notwithstanding Section 32.02 (A), all members shall be residents and electors of the City of Riverbank.

(C) The members shall be appointed by the Mayor, with the approval of the City Council.

(D) At the first opened meeting of a new year, the Planning Commission shall select a Chairperson and Vice Chairperson from among its appointed members, in accordance with its established rules and procedures. The term of these offices shall be for one (1) year. These officers shall perform such duties as required by any law, ordinance, or resolution.

§ 32.32 COMPENSATION.

(A) Compensation may be provided. Any amount of compensation provided shall be fixed by City Council resolution and may be changed from time to time.

(B) *Alternate Member Compensation.* Compensation for alternate member shall be 50% of the compensation received by a regular member for attendance of an opened meeting. When an alternate member takes the place of a regular member, the alternate shall be paid the full amount normally received by the regular member.

(C) The members shall receive reasonable compensation for expenses incurred to attend requested training sessions or to perform their duties.

§ 32.33 MEETINGS; RULES AND PROCEDURES.

(A) The Planning Commission shall meet at least once a month at such time and place as fixed by resolution.

(B) Regular or special meeting proceedings shall comply with the Ralph M. Brown Act.

(C) In accordance with the provisions of Section 32.07 of this chapter, the Planning Commission shall adopt rules and procedures to participate as members of the commission and for the conduct of meetings and transaction of business. Records of its resolutions, transactions, findings and determinations shall be kept on file in accordance with the city's records retention schedule and shall be public records in accordance with the California Public Records Act.

§ 32.34 STAFF SUPPORT.

(A) Staff support services shall be provided by the Community Development Director or his or her designee, who shall be appointed by the City Manager with the approval of the City Council.

(B) The Community Development Director or his or her designee shall act as secretary to the commission. In the absence of a Community Development Director, the next level of authority of the city's planning department, shall serve as the secretary.

(C) The City Clerk or designated City staff may serve as recorder of the proceedings.

§ 32.35 POWERS AND DUTIES.

The Planning Commission shall have the power and duties:

(A) To cause to be prepared and recommend for adoption a comprehensive long term general plan for the physical development of the city, and of any land outside its boundaries, as provided for by the conservation and planning laws of the state. Such plan shall be known as the general plan of the city, and may comprise any, all or any combination of the plans specified in Cal. Gov't Code §§ 65300 et seq.

(B) To cause to be prepared plans based on the general plan and drafts of such regulations, programs, and legislation as may, in its judgment, be required for the systematic execution of the general plan and to recommend such plans and measures to the City Council for adoption.

(C) To act as the advisory agency for the City in connection with the administration of the Subdivision and Map Act of the state.

(D) To investigate and recommend to the City Council plans for the improvement and beautification of the city, such as the opening, straightening, widening, closing or parking of public streets; the location and improvement of public buildings and public works.

(E) To perform the duties of Planning Commission required under Cal. Gov't Code §§ 65000 et seq. and the Riverbank municipal code.

(F) To perform such other duties as may be imposed upon it by the City Council by ordinance or resolution.

ENVIRONMENTAL REVIEW COMMITTEE

§ 32.45 ESTABLISHED; COMPOSITION.

The Environmental Review Committee (ERC) of the City is established. The ERC shall consist of the City Manager, the Director of Community Development, the Director of Public

Works, the Director of Parks and Recreation, and the Police Chief, or their designated alternates. The Director of Community Development or his or her designee shall serve as the Chairperson of the committee.

§ 32.46 TERMS OF OFFICE.

The terms of staff members are ongoing unless changed by action of the City Council.

§ 32.47 MEETINGS; QUORUM.

(A) The ERC shall meet on an as needed basis to insure the timely review of projects as defined by the California Environmental Quality Act.

(B) A majority of the ERC shall constitute a quorum for the purpose of transacting the business of the committee.

§ 32.48 RECORDS.

The ERC shall record the results of its proceedings and transactions and shall share the opinions of the committee with the applicant or project proponent. The opinions of the committee shall be disclosed in reports to the Planning Commission and City Council as may be required.

§ 32.49 DUTIES; POWERS; RESPONSIBILITIES.

(A) All discretionary projects which are not categorically exempt or otherwise exempted from further environmental assessment, shall be forwarded to the ERC for evaluation under the California Environmental Quality Act.

(B) The ERC shall evaluate the initial study of a proposed project to determine whether the project may or may not have a significant effect on the environment.

(C) If a determination is made that the project will not have a significant impact on the environment, the ERC will recommend that the final reviewing authority (decision-maker) grant a negative declaration.

(D) If a determination is made that the project may have a significant impact on the environment, the ERC shall require preparation of an environmental impact report (EIR). The major areas of concern, the selection of the preparer, and the preparation of the EIR shall be coordinated by the committee.

§ 32.50 ENVIRONMENTAL IMPACT REPORT PREPARATION THRESHOLDS.

The ERC shall determine which projects require the preparation of an environmental impact report, based on the magnitude or complexity of a project. Unless it can be demonstrated through extensive technical studies that no significant impacts are anticipated, the following projects are presumed to be sufficiently large and/or complex so as to require the preparation of an environmental impact report.

(A) Annexations over 150 acres;

(B) Commercial development projects proposing more than 1,000 square feet of gross building floor area;

(C) Other development projects (i.e., tentative subdivision maps, specific plans, general plan amendments, and the like) which contain more than 100 acres or propose more than 200 dwelling units;

(D) Notwithstanding the above thresholds, projects involving significant controversy or complexity may require the preparation of an environmental impact report based on the findings of the ERC. Further, even if it is determined that an environmental impact report is not necessary, an action or approval by the City may still require a different environmental analysis under the California Environmental Quality Act.

§ 32.51 CITY RESPONSIBILITY FOR ENVIRONMENTAL ASSESSMENT.

(A) The City has responsibility for, and control over, the form, scope and contents of all documents comprising environmental assessment of a project. All reports, studies, or other documents prepared by or under direction of an applicant, intended for inclusion in the environmental documents, shall be clearly identified as "Proponent's Environmental Assessment" and shall set forth in detail the assumptions, and methodologies supporting any conclusions reached, or upon which any recommendations may be based.

(B) The ERC, at its sole discretion, may decide to utilize the services of a private consulting firm to prepare or review all studies, reports, and other documents required or permitted by the guidelines, including those submitted by the proponent or any other party. In all cases, the consultant shall enter into a contract with, and is responsible directly to, the city. All contract services shall be performed to the satisfaction of the Environmental Review Committee.

(C) All costs incurred in the preparation of the environmental documents, including the costs of services performed under division (B) of this section and costs incurred by the

Environmental Review Committee, including City staff time, shall be borne by the project proponent.

§ 32.52 GUIDELINES; CALIFORNIA ENVIRONMENTAL QUALITY ACT.

(A) As permitted by § 15022(d) of the Guidelines for California Environmental Quality Act (Cal. Code of Regulations, Title 14, Chapter 3, § 15022(d) as promulgated by the California Natural Resources Agency and as subsequently amended are adopted by this reference. Whenever any provisions of the California Environmental Quality Act or the Guidelines for the California Environmental Quality Act conflict with any provision of this chapter, the California Environmental Quality Act and the Guidelines for the California Environmental Quality Act shall supersede this chapter.

(B) The ERC shall review all notices of exemption for residential development projects, within specific plan areas to insure that the project implements and is consistent with the applicable specific plan and certified environmental impact report. When making said determination the ERC shall take into account all mitigation measures, mitigation monitoring program and provisions of §15162 of the Guidelines for the California Environmental Quality Act (see Cal. Code of Regulations § 15162).

§ 32.53 APPEALS.

The project sponsor may appeal a decision to prepare an environmental impact report to the Planning Commission. The appeal shall be filed in writing with the City Clerk within five (5) working days of the ERC's decision. If the Planning Commission determines that an environmental impact report is not necessary, the project shall be returned to the ERC for further consideration.

§ 32.54 FEES.

The City Council may, by resolution, establish an environmental assessment fee.

§ 32.55 EFFECT.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council, Planning Commission, or City officers.

SECTION 2: This Ordinance shall become effective thirty (30) days from and after its final passage (), 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 September 12, 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 26th day of September, 2017; motioned by Councilmember _____, seconded by Councilmember _____, and moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	September 12, 2017
Subject:	A Resolution to Approve the Appointment of Scott McRitchie to the Planning Commission, and to have the Oath of Office Administered
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk/Sr. Management Analyst

RECOMMENDATION

It is recommended that the City Council adopt the resolution, based on the recommendation of Mayor O'Brien, to fill the remaining term of former Planning Commissioner Carlos Villapudua that expires on December 31, 2017, and have the Oath of Office administered.

SUMMARY

Planning Commissioner Carlos Villapudua informed the City on June 12, 2017, that he could no longer serve on the Commission effective immediately. The seat vacated has a remaining term, expiring December 31, 2017. An "Opened Until Filled" recruitment to receive applications began on June 19, 2017. Applications received by mid-August were considered by Mayor O'Brien, and interviews with applicants Scott McRitchie and John Dinan were conducted by the Mayor on August 16, 2017.

In accordance with policy, Mayor O'Brien is recommending that the City Council approve the appointment of Mr. Scott McRitchie to fill the remaining term vacated by former Commissioner Villapudua.

FINANCIAL IMPACT

Currently, compensation to serve as a Planning Commissioner is \$100 for attendance of a scheduled opened meeting, which is a fixed amount set at the discretion of the City Council resolution.

ATTACHMENT

1. Proposed Resolution
2. Copy of Application

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING THE APPOINTMENT OF SCOTT MCRITCHIE AS PLANNING COMMISSIONER TO SERVE THE REMAINDER OF A FOUR- YEAR TERM ON THE RIVERBANK PLANNING COMMISSION EXPIRING DECEMBER 31, 2017

WHEREAS, the City of Riverbank Planning Commission was established and is regulated pursuant to the Riverbank Municipal Code; and

WHEREAS, the City of Riverbank Planning Commission currently has a vacant seat formerly held by Commissioner Carlos Villapudua; and

WHEREAS, the Mayor conducted interviews on August 16, 2017, and in accordance with the Municipal Code, recommended the appointment of applicant. Scott McRitchie.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the appointment of Mr. Scott McRitchie as Planning Commissioner to serve the remainder of a four-year term expiring December 31, 2017; however, may temporarily continue to serve until a new recruitment and appointment has been made pursuant to City policy.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12th day of September, 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
City Clerk

Richard D. O'Brien
Mayor

	APPLICATION For Appointment to the Planning Commission of the City of Riverbank	Received (Date Stamp) CITY OF RIVERBANK AUG 2 2017 RECEIVED
		BY:

**TO QUALIFY: APPLICANTS MUST BE AT LEAST 18 YEARS OLD,
A STANISLAUS COUNTY REGISTERED VOTER AND LIVE
WITHIN THE CITY POSTAL ZIP CODE AREA OF 95367.**

For Official Use	
Riverbank Resident	Yes ☒ No ☐ <i>yes</i>
Registered Voter	Yes ☒ No ☐

Please type or print

The following information will be used to verify voter registration, which must match your Affidavit of Voter Registration on file with the Stanislaus County Registrar of Voters; including your signature. (Home address, phone #, & signature will not be made public.)

Name ☒ Mr. ☐ Ms. SCOTT M MC RITCHIE
First M.I. Last
 Home Address RIVERBANK 95367
Address City Zip
 Mailing Address (if different from home address) _____
 Signature (required): _____ Date: 8/1/17

Contact Phone # _____ E-mail _____

THIS APPLICATION MUST BE COMPLETED AND SIGNED - DO NOT ONLY INDICATE "SEE RESUME"

Current or Last Employer Information

Employer TRI VALLEY GROWERS Address DEFUNCT
 Position VP AGR. OPERATIONS Dates of Employment 1983 → 1995
 Responsibilities BEGAN IN AG RESEARCH (NEW VARIETIES TECHNIQUES TO
REDUCE WATER FOOTPRINT & PESTICIDES) & LATER UP TO
V.P. RESPONSIBLE FOR CONTRACTING, TRAINING, PLANNING & GROWER RELATION

Questionnaire (For additional space, attach a separate sheet of paper)

Please explain why you want to be appointed to the Planning Commission:

ENJOYED MY PREVIOUS TERMS & AM INTERESTED IN THE
CHALLENGES WEST & OTHER NEW DEVELOPMENT IN RIVERBANK

Please describe your education, training, and/or any special certifications or experience:

B.S. & M.S. IN PLANT SCIENCE AT UC D. WORKED IN AGR. FOR 30 YEARS, THE LAST POSITION AS V.P. OF AGR. OPERATIONS FOR THE FORD MOTOR CO. 8+ YEARS ON THE RIVERBANK PLANNING COMM. WAS A COMMISSIONER DURING THE FORMATION OF THE 20 YR PLAN

Please list your experience of serving on any previous Board, Commission, or Committee:

SERVED ON THE PLANNING COMM DURING 4 DIFFERENT CITY MANAGES THE LAST 2 BEING JAMES RAPER & J.D. HIGHTOWER. TERM EXTENDED BEYOND, DURING & AFTER THE CROSS BORDERS DEVELOPMENT

Please list community organizations to which you currently belong or previously belonged to:

ST. VINCENT DE PAUL, FRIENDS OF ZMP, RIVERBANK HOUSING AUTH, RIVERBANK CHAMBER OF COMM. RIVERBANK PLANNING COMM., BUDGET OVERSIGHT COMM.

Please provide any additional information, which covers your qualifications, interests, or training related to this appointment:

By signing below, I declare under penalty of disqualification and termination, that all statements in this application and any attached responses are true and complete to the best of my knowledge. I accept the responsibilities of serving as a Planning Commissioner and I am able and willing to:

- Attend the required meetings and notify the Board Secretary in advance of any excused absence, if it occurs;
- Devote the time to study the materials provided in order to make sound decisions;
- Timely complete the AB 1234 Ethics training and AB 1661 Prevention of Sexual Harassment training as required.
- Timely complete a Fair Political Practices Commission Form 700, Statement of Economic Interests.

I am aware that this application is a public document.

SIGNATURE: _____

DATE: 8/1/17

Completed and signed applications may be mailed or delivered to:

City of Riverbank
c/o City Clerk
6707 Third Street, Suite A
Riverbank, CA 95367

Or, emailed to cityclerk@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: September 12, 2017

Subject: Workshop on the North County Corridor and Present to the City Council Staff's Proposed Comments on the Publically Released North County Corridor Environmental Impact Report/Environmental Impact Statement

From: Sean Scully, City Manager

Submitted by: John B. Anderson, Contract Planner

RECOMMENDATION

It is recommended that the City Council receive the information as presented by Staff.

SUMMARY

Members of the City Council and City Staff have participated in joint meetings of the North County Corridor Transportation Expressway Authority (NCCTEA) since 2010. CALTRANS has recently released the environmental document EIR/EIS which evaluates two possible routes and two possible intersections with State Route 120 in east Oakdale. City Staff has prepared a draft response to publically circulate EIR/EIS which is presented below in Attachment 1.

BACKGROUND

City Staff has anticipated the release of the environmental document associated with the North County Corridor (NCC) for some time. The results of environmental studies are not necessarily surprising and the routes suggested remain unchanged. Staff has completed our review of the EIR/EIS released and we are prepared to present combined comments on this document. The purpose of this workshop is to update the entire City Council on the NCC project and for staff to hear of any specific area of concern expressed by the Council on this vital project to our community. We will also present key NCC project dates that we are aware of.

For your review, below are presented illustrations of the NCC routes being studied.



North County Corridor West Riverbank



North County Corridor East Riverbank



Council may recall in 2016 the City was successful in expanding the City of Riverbank's Sphere of Influence to areas West and East of the city limits. The City of Riverbank has historically been concerned with access and circulation opportunities east of Claus Road with the promotion of an easterly connection of the NCC at or near Eleanor. This is especially important given that the City will be considering the initiation of an East

Riverbank Industrial Master/Specific Plan which would establish this geographic area as a hub for industrial use. Staff has been consistent with their discussion of these concerns with Matt Machado of Stanislaus County and we continue to share these concerns in the comment letter due for the NCC EIR/EIS.



Planned schedule of events with the NCC include:

- 1) September 7, 2017 - Public Hearing/Open House – Gene Bianchi Community Center in Oakdale – 4:00 PM to 8:00 PM.
- 2) September 22, 2017 – End of the official comment period for the EIR/EIS.
- 3) The month of October – CALTRANS to present alternatives to the local communities to receive acknowledgement of the locally preferred alternative.
- 4) The month of November the NCCTEA makes a recommendation to the California Transportation Commission (CTC) for the locally preferred alternative.

STRATEGIC PLAN

While not specifically listed as a strategic objective during this implementation period, the NCC is a key component to development in and around Riverbank. This project has the potential to greatly affect the LRA, Crossroads West and other key projects, components of which are listed throughout the current strategic plan. Ensuring adequate vehicle circulation and truck access to the NCC on the east side of Riverbank only helps to guarantee success of future job creating land uses surrounding the Riverbank Industrial Complex.

FINANCIAL IMPACT

None.

ATTACHMENT

1. Draft City of Riverbank response to CALTRANS dated September 12, 20017



City Of Riverbank

6707 Third Street, Riverbank, CA 95367

Office (209) 863-7120 FAX (209) 869-7126

September 12, 2017

Mr. Juan Torres
Senior Environmental Planner
California Department of Transportation
Central Sierra Environmental Analysis Branch
855 M Street, Suite 200
Fresno, CA 93721

Subject: Stanislaus County North County Corridor (NCC) - New State Route (SR) 108 Project
and Route Adoption EIR/EIS Comments.

Dear Mr. Torres,

The City of Riverbank appreciates the opportunity to comment on the NCC EIR/EIS released for our review officially on August 8, 2017. Since 2010 the City of Riverbank has participated in the North County Corridor Transportation Expressway Authority (NCCTEA) as a member agency along with the Cities of Modesto and Oakdale, as well as Stanislaus County, STANCOG and CALTRANS District 10. We continue to play an active role in the review and administration of this vital investment in our community.

The City of Riverbank remains concerned regarding the potential transfer of any long-term liabilities associated with the future CALTRANS relinquishment of SR 108 to local government for management and maintenance. This of course includes any responsibilities for storm drainage treatment necessary to satisfy the Regional Water Quality Control Board. The City of Riverbank is also concerned with the lack of analysis associated with the potential loss of commercial revenue associated with the relocation of SR 108 in the proposed locations. The fiscal impacts of this traffic shift should be evaluated under a costs-benefit analysis required by the EIS process.

We realize detailed construction drawings have yet to be developed. We are however concerned with the future alignment of the new Claribel Road at near Coffee Road on the west and Terminal on the East. The drawings presented are not clear as to illustrate what access, if any, will be allowed to Terminal and how Terminal Road will be treated near the NCC and the

new alignment of Claribel Road. We assume for example that Terminal will pass under the NCC, but cannot tell what happens with Terminal north of the NCC alignment.

We look forward to working with Stanislaus County and the NCCTEA to consider an urban interchange of the NCC with Eleanor to the east of town. The City of Riverbank has successfully expanded the Sphere of Influence to promote job generating land use opportunities on the east side of Riverbank. In this regard, access to the NCC on the east side of Riverbank would prove to be a vital link for regional job creation associated with the Riverbank Industrial complex. The potential addition of an urban interchange at Eleanor will provide the necessary access needed for the industrial businesses connectivity to the NCC.

As requested, below are detailed comments prepared by Riverbank staff on the released NCC EIR/EIS complete with page references. Generally the document looks fairly complete. It is anticipated that the Riverbank City Council will forward a recommendation on a preferred alignment after the comment period for this EIR/EIS has closed.

Page 5 – Population Assumptions appear to be grossly overstated through the 2030 time frame. Riverbank's population as stated in the NCC EIR/EIS is projected to be 69,508 by 2030, while Stanislaus County's population is forecasted to be 821,715. The adopted Riverbank MSR and Housing Element project the population to be 34,961 by 2035 and 39,198 by 2045. The University of Pacific, Eberhardt School of Business, Center of Business and Policy Research recently completed a Forecast Summary for Stanislaus County on July 6, 2016 which projects the populations for Stanislaus County and the associated census tracts to be:

Table 1-Census County Division Forecast

	2015	2020	2025	2030	2035	2040	2045	2050	2055	2060
Airport	2,044	2,135	2,237	2,341	2,444	2,544	2,642	2,738	2,834	2,932
Bret Harte	5,379	5,639	5,930	6,228	6,522	6,809	7,088	7,363	7,638	7,916
Bystrom	4,184	4,385	4,610	4,841	5,068	5,290	5,506	5,719	5,932	6,147
Ceres	48,029	51,049	54,424	57,879	61,290	64,628	67,866	71,050	74,247	77,476
Cowan	324	329	336	343	349	356	362	368	375	381
Crows Landing	367	381	397	413	428	444	458	473	488	503
Del Rio	1,329	1,396	1,471	1,549	1,625	1,699	1,771	1,842	1,914	1,986
Denair	4,615	4,857	5,128	5,406	5,680	5,947	6,207	6,463	6,720	6,979
Diablo Grande	918	1,026	1,146	1,270	1,391	1,511	1,626	1,740	1,854	1,969
East Oakdale	2,867	2,987	3,121	3,259	3,394	3,527	3,655	3,782	3,909	4,037
Empire	4,394	4,630	4,893	5,163	5,429	5,689	5,942	6,190	6,440	6,692
Grayson	983	1,019	1,059	1,099	1,139	1,179	1,217	1,254	1,292	1,330
Hickman	672	708	748	789	829	869	907	945	983	1,021
Hughson	7,080	7,591	8,162	8,746	9,323	9,888	10,436	10,975	11,515	12,062
Keyes	5,828	6,087	6,376	6,672	6,965	7,251	7,529	7,802	8,076	8,353
Modesto	210,341	220,865	232,622	244,662	256,545	268,176	279,460	290,555	301,694	312,943
Monterey Park Tract	138	143	149	155	161	167	172	178	184	189
Newman	10,854	11,584	12,400	13,235	14,060	14,867	15,650	16,420	17,192	17,973
Oakdale	21,902	23,322	24,909	26,534	28,138	29,707	31,230	32,728	34,231	35,749
Parklawn	1,380	1,429	1,483	1,539	1,594	1,648	1,700	1,751	1,803	1,855
Patterson	23,067	26,190	29,678	33,251	36,777	40,228	43,577	46,869	50,175	53,513
Riverbank	24,064	25,670	27,463	29,300	31,113	32,888	34,609	36,302	38,002	39,718
Riverdale Park	1,165	1,206	1,252	1,299	1,346	1,391	1,436	1,479	1,523	1,567
Rouse	2,056	2,112	2,175	2,239	2,303	2,365	2,426	2,485	2,545	2,605
Salida	14,764	15,978	17,335	18,724	20,095	21,437	22,739	24,019	25,305	26,603
Shackelford	3,508	3,665	3,840	4,019	4,195	4,368	4,536	4,701	4,867	5,034
Turlock	72,229	76,475	81,219	86,077	90,872	95,564	100,117	104,594	109,089	113,627
Valley Home	229	229	229	229	230	230	230	230	231	231
Waterford	8,909	9,431	10,015	10,613	11,203	11,780	12,341	12,891	13,445	14,003
West Modesto	5,923	6,198	6,505	6,820	7,131	7,435	7,730	8,020	8,311	8,605
Westley	620	639	661	683	704	726	746	767	787	807
Rest of the County	50,635	51,783	53,066	54,379	55,676	56,945	58,176	59,387	60,602	61,830
Total County	540,794	571,139	605,040	639,754	674,019	707,554	740,090	772,081	804,200	836,635

These population numbers appear to present an even lower population projection than Riverbank has anticipated through 2035, 31,113 persons versus 34,961. The point is the NCC projections through 2030 appear to be 98% higher than projected by the City of Riverbank and 28.4% higher than projected for Stanislaus County. If the traffic modeling performed used these population numbers to determine traffic volumes, the model would be flawed in that it projects a greater traffic volume earlier in the build cycle.

Pages 25 and 26 - Improvements Anticipated to Hwy 108 corridor within the City of Riverbank - The only intersection projects listed are future signalization projects at First and Claus as well as the widening of SR 108 to four lanes from Jackson Street to BNSF tracks. It appears this document misses all the traffic improvements contemplated by the Riverbank AB 1600 fees (Table 3-12, page 19) worth nearly \$43 million.

Page 31 - Project Costs Summary - Does the projected costs include Agricultural Mitigation fees and Mitigation fees for loss of Swainson Hawk Habitat as well as the possible loss of habitat for other sensitive species?

Page 44 – Reference is made to Figure 3.1.1.1-1 in Appendix A which shows current zoning within the project area. The area which includes the Riverbank Industrial Complex is zoned Specific Plan #2 and not Industrial. The area westerly of Claus Road is not in the City limits and is zoned by the County as Exclusive Ag-10 and not Industrial.

Page 44 – Reference is made to Figure 3.1.1.1-2 showing the pattern of land use and Table 3.1.1.1-1 a list of potentially influential projects. These exhibits do not list several projects in Riverbank and does not accurately reflect development potential in the Riverbank Industrial Complex. Approved and/or pending projects in Riverbank include:

- 1) Riverbank Industrial Complex – 146 acre Specific Plan could generate 119,058 sq. ft. of Commercial/Retail, 1,411,541 sq. ft. of Industrial and 116,637 sq. ft. of Office/R&D.
- 2) Bruinville Development East Side of Riverbank – 515 potential single family homes plus Riverbank Family Apartments 72 units of HDR.
- 3) Crossroads West Specific Plan – 390 acre Specific Plan could generate 1,872 LDR Units, 192 MDR Units, 388 HDR Units, 550,000 sq. ft. of commercial/retail, fire station site, expanded parks and regional sports complex as well as schools.

In the NCC traffic model, an appreciable amount of future development is assumed in the area that is south of Claribel around the NCC. Roughly 2,900 new residences are assumed. This issue is important since while all of the dwellings were assumed to have access to Oakdale Road or Roselle, they were also assumed to access Claribel north of the NCC, which will increase traffic in the area of Crossroads West. Why are areas south of the NCC assumed to get access to Claribel?

Almost no growth is assumed in the North Modesto/Tivoli Specific Plan area, which is one of the areas illustrated in the NCC traffic model. The difference between baseline and year 2042 models was only 24 new residences and 43 new employees in this area. Development in the most northerly end of Modesto is unlikely by 2042 and the 3,000 residences assumed along NCC should instead be moved to Tivoli as part of that site's buildout. Tivoli could then be assumed to be fully built out with its maximum residential and retail potential. Why isn't Tivoli in the land use set?

Page 57 - Riverbank General Plan Policies and Compliance - The City of Riverbank's General Plan relies on connectivity of local streets to roads managed by the State of California as well as Stanislaus County. The proposed NCC cuts off the eastern circulation of the City from accessing the NCC easterly of Claus Road beyond Langworth Road. This design is inconsistent with the Riverbank General Plan Land Use and Circulation Elements. Attention needs to be focused on analyzing the impacts associated with this proposed circulation pattern.

Page 71 - Table 3.1.2.-1, Population Projection - Same comment as above. The NCC EIR/EIS assumes a County wide population of 953,580 people by 2060 versus the projections provided by UOP of 836,635.

Page 96 - Planned Residential Development within Project Vicinity – There is no mention of the Crossroads West Specific Plan Area.

General Note – All data is taken from the U.S. Census. Why not use multiple sources?

Page 105 - Paragraph 3 – There is a spelling error. "Riverside" should be "Riverbank."

Page 141 – With the potential development of the Riverbank Industrial Park and Crossroads West, the Claus Road/Claribel Road intersection may warrant an overpass instead of an at-grade signal.

Page 171 - Paragraph 3 – The EIR/EIS states "While some of the motorists would be residents, a large number of motorists are likely to be commuters and tourists going to Yosemite..." What data or estimates are being used to determine the number of commuters vs. tourists? Would it not be the case that the majority of commuters will be local residents?

Page 175 - *Key View 2* – The EIR/EIS states "visual quality in this view is moderate-low" yet also states that there is a "lack of memorable features." Moderately-low is defined as "low negative change...with a moderate viewer response, or moderate negative change...with a low viewer response." Given the proposed overpass, there will be a significant impact to the visual quality of the neighborhood to residents living on Claribel Rd. between Litt Rd. and Terminal Ave. and on Terminal between Plainview and Claribel Rd.

Page 177 - *Visual Assessment Unit 1 (VAU1) Resource Change & Visual Assessment 2 (VAU2) Resource Change* – Both assessments conclude that "the overall visual resource change...as a result of Alternative 1A is expected to be moderate-low" yet VAU1's visual character and quality would change *minimally*, while VAU2's would change (no indication of the level). Given this assessment, the use of the term "moderate-low" seems to be inconsistent.

Page 178 - *Build Alternative 2A* – sentence states "Alternative 2A will also include 24 canal crossings, 21 at-grade and six elevated..." Do the 21 at-grade and 6 elevated crossings refer to the 24 canal crossings? The sentence is confusing.

Page 178 - *Visual Assessment Unit 2 (VAU2) Resource Change* – VAU2 visual quality change for Alternative 2A is described as moderate, and the visual resource change for 1B is moderate-high. Both explanations provide the exact same reasoning yet the determination is different. The terms seem to be used inconsistently based on the exact same explanations.

Page 180 - *Change to Visual Quality/Character* – The project will create a new overpass over Terminal Ave. The explanation states that "...visual encroachment in the view is the new North

County Corridor structure, which is similarly appropriate for the area.” There is currently no overpass in the area, how was it determined that the new structure is “appropriate”?

Page 180 - Viewer Response – The EIR/EIS states that “...there would be a change in the view, but it would fit in with the existing visual character and quality of the existing road.” It seems out of place to visually compare an expressway to a local road.

Page 216 - Regulatory Setting, Paragraph 4 – Reference is made to Appendix C. Appendix C has a header that marks it as Appendix B.

Page 218 - Buried Archaeological Sites - states that “archeological site identification and evaluation is not complete”. This section comments throughout that there were right-of-entry limitations and that once the preferred alternative is selected then they will make further attempts to obtain right-of-entry. What are the alternatives should they not obtain it? How will a full evaluation be made?

Pages 264 and 265 - High Risk Sites, Riverbank Army Ammunition Plant - This section of the document inaccurately states that a Finding of Suitability for Early Transfer (“FOSET”) was prepared in 2010 and that the FOSET transferred the management of the property from the Army to the Riverbank Local Redevelopment Authority (“RLRA”). In fact, the RLRA is leasing the former Army Ammunition Plant from the Army through an Interim Master Lease (“ILM”) executed in 2016. The IML allows for the RLRA to perform operations and maintenance functions on behalf of the Army until conveyance.

A FOSET is a document between the Army and the regulatory agencies that will allow for a covenant deferral or a transfer of the property prior to full remediation. There is a FOSET for the Riverbank facility in draft form and under review by Federal and State regulatory agencies. The responsibility for cleanup of the property was not transferred to the RLRA. The Army retained the responsibility for remediation of Parcels 1 and 1a under discussion.

The Army has not sold any of the RBAAP and there are no parcels currently up for sale. A sale of the property must be preceded by a clean bill of environmental health, via a Finding of Suitability for Transfer (“FOST”) or with regulatory and gubernatorial concurrence for an early transfer. The Army has determined that they will sell remediated portions of the property but no sale has been scheduled.

Remediation of the polychlorinated biphenyl contamination on Parcel 1 and 1a is substantially complete under the supervision of the Sacramento Army Corps of Engineers. Review of the sampling analysis by regulatory agencies is in process to clear the sites prior to any transfer or sale.

It is worth noting that the Army retains all responsibility now and in the future for cleanup for any contamination caused by military activities under Section 330 of the National Defense Authorization Act.

The City is in close communications with the Army regarding the former Riverbank Army Ammunition Plant. The Army has shared concerns over the lack of coordination with regard to the preferred alignment going through Parcel 1 and 1a. The City recommends direct interaction with the project manager at the Headquarters of the Army, Base Closure and Realignment Office.

Page 310 - Terminal Avenue to Claus Road, Paragraphs 1 and 2 – Paragraph 1 states the NAC is "exceed" at this location so a barrier is under consideration. Paragraph 2 states that at this location, no substantial increase from existing noise levels to build noise levels is anticipated so no barrier is considered. Is there or is there not a barrier considered for this location? "Exceed" should be changed to "exceeded" throughout the noise section.

Page 333 - Abatement Measures, Temporary Construction Impacts – Measure NOI-1 states: Standard Special Provision (SSP 14-8.01) will be edited specifically for this project during the PS&E phase and included to reduce noise impacts during construction. How will it be edited? What options are available?

Page 348 - Plant Species, Regulatory Setting – Paragraph 1 refers to Threatened and Endangered Species Section 3.3.5. Figure 3.3.5-1 Special-Status Mapping page 1 of 2 is missing.

Page 394 - Swainson Hawk Mitigation Measure BIO-43 - states a 600 setback and nest monitoring. It notes that no compensatory mitigation is proposed and instead the project will simply try and avoid/minimize potential impacts to suitable foraging habitat. Given the large size and scale of this project it is difficult to fathom why this wouldn't fall into a category of a project that is required to pay mitigation fees. The mitigation measures (for example on federally protected bat species) are in order of magnitude more expensive and complete. BIO-44 states foraging habitat areas shall be avoided where possible. Seems like if most development of rural vacant land in this area is required to pay the fee so should this project. Development Projects in Riverbank that are converting foraging habitat to urban uses are required to mitigate the impact of lost foraging ground.

Page 402 – Table 3.6-1 - Lists a number of City of Modesto, Stanislaus County and City of Oakdale projects but only lists one Riverbank project (the LRA project). There is no mention of Crossroads West, or Bruinville, the Residential Development on the eastern side of town, which is certainly within the area of concern for routes 1a and 1b. Those should be added to the chart.

We look forward to discussing this project in greater detail. Should you have any questions please feel free to contact me at 209-863-7115 or sscully@riverbank.org

Respectfully,



Sean Scully
City Manager
City of Riverbank

Cc: Riverbank City Council
Kathleen Cleek, Development Services Administrative Manager
Donna Kenney, Planning and Building Manager
Debbie Olson, Riverbank Local Redevelopment Authority, Executive Director

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date: September 12, 2017

Subject: A **Resolution** Authorizing the City Manager to Execute a Contract with Willdan Financial Services for a Property Tax Sharing Agreement Economic Impact Analysis and to Appropriate \$15,000 from General Fund Reserves for Said Analysis

From: Sean Scully, City Manager

Submitted by: Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution authorizing the City Manager to enter into a contract with Willdan Financial Services to perform an Economic Impact Analysis with regards to the City's current Property Tax Sharing Agreement and appropriate \$15,000 from General Fund Reserves for the preparation of this Analysis.

SUMMARY

At the March 20, 2017 Strategic Plan Session the City Council established an objective for the City Manager and Assistant City Manager to "Evaluate alternative revenue sources and present their findings to the City Council". While staff is currently evaluating new sources, we felt that it would be prudent to evaluate current sources of income to determine their potential to grow. Tonight's request is to authorize the City Manager to evaluate the feasibility of being able to grow our Property Tax received from future Annexations to the City.

BACKGROUND

In April 1996, Stanislaus County and the City of Riverbank entered into a Property Tax Sharing Agreement as it related to property that was being annexed into the City. The original agreement was amended in 2006 and allocates Property Tax as follows:

- a) For annexations other than County unincorporated islands:

County: Retains 100% of the property tax revenue from the lower of the current year base assessed valuation or the base year assessed valuation (assessed valuation as of the tax year immediately preceding the year in which the State

Board of Equalization recognizes and notifies the County Auditor-Controller of the annexation) for the area to be annexed, and 70% of the property tax revenue that is attributable to the increase in the assessed value above the base amount.

City: Receives a 30% share of the County's Property Tax that is attributable to the increase in the assessed value above the base amount.

b) Detachment of Special Districts:

City: Receives 100% of the property tax attributable to a special district (i.e. county fire) that will be detached from the property being annexed and that the City will provide services to. Currently, there are no special districts that this clause would apply to.

c) For annexations affecting an unincorporated County island:

County: Receives 66% of the property tax, including the base amount or as otherwise separately negotiated.

City: Receives 34% of the property tax, including the base amount or as otherwise separately negotiated.

In light of the potential for upcoming annexation requests, staff believes that it is prudent to explore the feasibility of renegotiating this agreement with Stanislaus County. The study to be performed by Willdan will explore the economic impacts of the City's current agreement, the potential economic impacts of proposed annexations, and provide the City with information on the Property Tax Sharing Agreements that have been negotiated in other neighboring Counties that are of similar makeup to Stanislaus County. The analysis will provide us with a base line to begin our discussions with the County.

The analysis will be performed in two phases:

Phase I: Survey Comparable Jurisdictions, which includes a review of the City's current tax sharing agreement. The survey will help to establish what may be considered the "norm" or "best practice" in terms of these types of agreements.

Phase II: Construction of a fiscal model based on a variety of hypothetical situations (i.e. potential annexations) and their impact to the City using the current agreement and potential modified agreements.

The results of the study will be shared with the City Council in order to obtain feedback on whether or not to proceed with the renegotiation of the current Property Tax Sharing Agreement.

STRATEGIC PLAN

- On March 20, 2017, the City Council established an objective to “Evaluate alternative revenue sources and present their findings to the City Council”. This report addresses this matter.

FINANCIAL IMPACT

\$15,000 to be appropriated from the General Fund Reserves.

ATTACHMENT

1. Current Property Tax Sharing Agreement
2. Willdan Financial Services Proposal
3. Proposed Resolution

City of Riverbank

Resolution No. 96-40

A Resolution of the City Council of the City of Riverbank Approving a Master Property Tax agreement with the County of Stanislaus.

Whereas, The City of Riverbank wishes to enter into a property tax sharing agreement with the County of Stanislaus; and

Whereas, An agreement with the County and all of the cities of the County has been reached wherein property tax revenues will be distributed upon annexation of County areas into the cities; and

Whereas, An agreement has been prepared which incorporates the terms upon which the parties have agreed.

Now, therefore be it resolved that the terms of the agreement be effective as of April 8, 1996 and continue in full force and effect until terminated in accordance with the terms of this agreement.

Be it further resolved that the City manager of the City Riverbank is authorized to execute said master property tax agreement on behalf of the City of Riverbank.

Passed and adopted this 8th day of April, 1996 by the following vote:

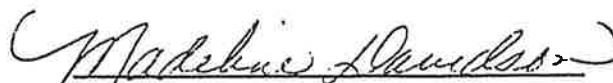
Ayes: Councilmembers Lakes, Whorton, Benitez, Shewmake, and Mayor Davidson.

Noes: None.

Absent: None.

Approved:

Attest:

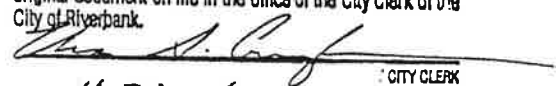

Madeline Davidson
Mayor


Elise A. Cunningham
City Clerk

CERTIFICATION

I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Riverbank.

Dated: 4-22-96


CITY CLERK

AGREEMENT

SECTION ONE: PARTIES: The parties to this Agreement are the City of Riverbank, hereafter referred to as "the City", and the County of Stanislaus, hereafter referred to as "the County" acting in its own behalf and on behalf of the special districts in Stanislaus County pursuant to Section 99 of the California Revenue & Taxation Code (Section 99).

SECTION TWO: PURPOSE: The purposes of this Agreement are to provide for:

- a. The adjustment of the allocation of property tax revenue, pursuant to Section 99 of the California Revenue & Taxation Code, among the affected governmental agencies when a jurisdictional change occurs; and,
- b. The adjustment of the appropriation limits of the affected governmental agencies pursuant to Section 3(b) of Article XIII B of the Constitution of the State of California.

SECTION THREE: DEFINITIONS: As used in this agreement, the terms "property tax revenue," "annual tax increment," "jurisdictional change," "affected agency," and "special district" have the same definitions and descriptions as set forth in Sections 95-100 of the California Revenue and Taxation Code. A "certificate of sufficiency" is a certificate issued by the Executive Officer of the Stanislaus County Local Agency Formation Commission pursuant to Section 56706 of the California Government Code.

SECTION FOUR: EFFECTIVE DATE: This agreement shall be effective as of April 8, 1996 and shall apply, except as provided for in Section Eleven to all jurisdictional changes for which a certificate of sufficiency is issued on or after April 8, 1996.

SECTION FIVE: TERM: TERMINATION: The term of this Agreement will be for five years starting on the effective date. At the end of the fifth year, the agreement will automatically renew for one-year periods thereafter unless one of the parties requests in writing 60 days prior to the anniversary date for a renegotiation of the terms and conditions of the agreement. If such a request is made, the agreement is terminated on the anniversary date. Notice of renegotiation

shall be sent to the other party, the Stanislaus County Local Agency Formation Commission and the Stanislaus County Auditor.

SECTION SIX: SUBSEQUENT JURISDICTIONAL CHANGES: The parties hereto recognize that the annexation of territory to the City, when done pursuant to the Cortese Knox Local Government Reorganization Act of 1985, as amended, (the "Act") will precipitate the subsequent detachment of the annexation area from a County fire protection district and, in some cases, from other special districts. Consequently, in determining the amount of property tax revenue to be transferred from the County to the City pursuant to Section Seven of this agreement, the Stanislaus County Auditor-Controller shall consider the special districts from which the annexation area will subsequently be detached to be affected agencies. However, no property tax shall be transferred from these districts to the City until the detachments are completed.

SECTION SEVEN: ALLOCATION OF PROPERTY TAX REVENUE: When a jurisdictional change occurs, the property tax revenue attributable to the territory annexed to the City shall be adjusted in the following manner:

- a. For annexations other than County unincorporated islands, the County shall retain the property tax revenue from the base assessed valuation for the area to be annexed. After annexation, the annexing city shall receive a 30% share of the County's property tax share that is attributable to an increase in assessed value above the base amount. The County shall continue to receive 100% of the property tax revenue attributable to the base assessed valuation.
- b. The City shall receive the entire percentage amount of property tax of any affected special district in the area annexed. However, no transfer of that percentage amount of property tax will occur until either the annexed territory is detached from the special district or the special district is dissolved.
- c. For annexations affecting an unincorporated island, the annexing City shall receive 34% of the County's share of property tax including the base amount.

SECTION EIGHT: ADJUSTMENT OF APPROPRIATION LIMIT: Pursuant to Section 3(b) of Article XIII of the Constitution of the State of California, the City shall increase its appropriation limit by the amount of property tax revenue received after the adjustment provided for in Section Seven is completed. The County shall decrease its appropriation limit by the amount of revenue it has had transferred to the City. It is also expected that any special district will decrease its appropriation limit by the amount of revenue it has had transferred to the City.

SECTION NINE: ALLOCATION OF ANNUAL TAX INCREMENT: All future annual tax increment revenue attributable to the annexed territory shall be allocated on the basis of the tax allocation percentage for each affected agency after the adjustment provided for in Section Seven has been completed.

SECTION TEN: EXCEPTIONS: (Modesto Agreement only) Notwithstanding any other provisions of this Agreement, adjustment of the allocation of property tax revenue shall be negotiated independently from this Agreement for any proposed jurisdictional change which includes all or any part of the territories designated as "AREAS EXCEPTED FROM THIS AGREEMENT" on the maps attached hereto and marked Exhibits 1, 2, and 3.

In addition, any area designated as a redevelopment zone in a redevelopment agreement between a City and the County is excluded from the provisions of this Agreement.

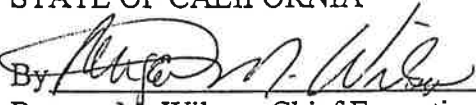
SECTION ELEVEN: AMENDMENT OF AGREEMENT: This Agreement can be amended at any time upon the mutual consent of the parties hereto.

SECTION TWELVE: COUNTY OPPOSITION TO ANNEXATION PROPOSALS BEFORE LAFCO: As a result of this Agreement, the County shall not object to a jurisdictional change as a result of an annexation on the grounds of fiscal impacts during the term of this Agreement.

SECTION THIRTEEN: This section is reserved.

SECTION FOURTEEN: CHANGE IN LAW: In the event that either Section 99 or the Act are repealed or amended in any way by the Legislature of the State of California so that the requirement for a negotiated exchange of property tax revenues is changed or no longer exists, then within ten (10) days after the effective date of such a legislative act the parties shall immediately enter into good faith negotiations to modify the agreement for the purpose of conforming it to state law. In the event the parties do not reach agreement within thirty (30) days thereafter this agreement shall thereupon be null and void and state law prevails.

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

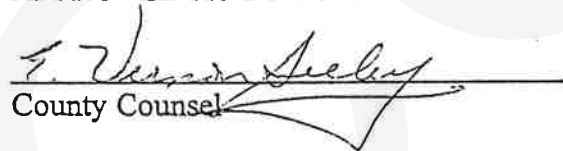
By 
Reagan M. Wilson, Chief Executive Officer
of the County of Stanislaus, State of California

ATTEST:

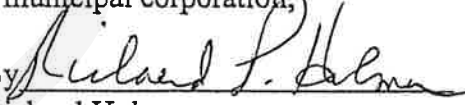
REAGAN M. WILSON, Clerk to the Board
of Supervisors of the County of Stanislaus,
State of California

By 

APPROVED AS TO FORM:

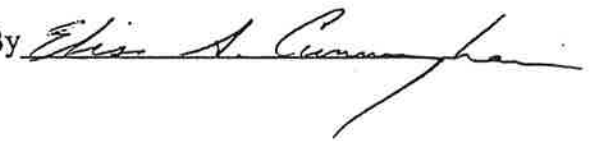

County Counsel

CITY OF RIVERBANK
a municipal corporation,

By 
Richard Holmer
City Manager

ATTEST:

City Clerk

By 

APPROVED AS TO FORM:


City Attorney

City of Riverbank

Resolution No. 2006-040

**A Resolution of the City Council of the City of Riverbank
Approving Amendment No. 1 to the Master Property Tax Agreement with the
County and Authorization for the City Manager to Sign on Behalf of the City.**

Whereas, A Master Property Tax Agreement between the County and the City was formalized in 1996; and

Whereas, Several cities questioned the allocation methodology for newly annexed areas; and

Whereas, County officials agreed that the existing formula had been interpreted incorrectly; and

Whereas, City and County officials collaborated on changing the language of the Master Property Tax Agreement to insure the original intent was maintained; and

Whereas, Due to this amendment the City will receive \$214,193 in past due property tax monies.

Now, Therefore, Be It Resolved that the City Council of the City of Riverbank hereby approves Amendment No. 1 to the Master Property Tax Agreement with the County of Stanislaus and authorizes the City Manager to execute any and all documents amending this agreement with the County.

Passed and adopted by the City Council of the City of Riverbank at a regular meeting held on the 24th day of April 2006, by the following vote:

AYES: Councilmembers Benitez, Anaya, McGinnis, and Mayor Crifasi.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Attest:

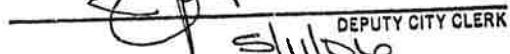

Linda Abid-Cummings, CMC
City Clerk

Approved:


Christopher Crifasi
Mayor

CERTIFICATION

I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Riverbank.


DEPUTY CITY CLERK
DATED 5/1/06

AMENDMENT # 1 TO AGREEMENT

The County of Stanislaus and the City of RIVERBANK entered into an Agreement dated April 8, 1996. Under Section Eleven of this Agreement, parties agree to the following amendments in order to clarify the intent of the Agreement and these amendments are not to be construed as a "new" Agreement. Amendment No. 1 to the Agreement and the Agreement together constitute the Master Property Tax Exchange Agreement pursuant to the Revenue and Taxation Code Section 99.

The following sections in the Agreement are revised as follows:

SECTION THREE: DEFINITIONS: As used in this Agreement, the terms "property tax revenue", "annual tax increment", "jurisdictional change," and "special district" have the same definitions and descriptions as set forth in Sections 95-100 of the California Revenue & Taxation Code. The "base year" is the tax year immediately preceding the year in which the State Board of Equalization recognizes and notifies the County Auditor-Controller of the annexation. A "certificate of filing" is a certificate issued by the Executive Officer of the Stanislaus County Local Agency Formation Commission pursuant to Section 56658 of the California Government Code.

SECTION FOUR: EFFECTIVE DATE: The Agreement shall be effective as of April 8, 1996, and shall apply, except as provided for in Section Ten, to all jurisdictional changes for which a certificate of filing is issued on or after April 8, 1996.

SECTION SIX: SUBSEQUENT JURISDICTIONAL CHANGES: The parties hereto recognize that the annexation of territory to the City, when done pursuant to the Cortese Knox Local Government Reorganization Act of 1985, as amended, (the "ACT") may precipitate the detachment of a County fire protection district and, in some cases, other special districts from the area of annexation. Consequently, in determining the amount of property tax revenue to be

transferred from the County to the City pursuant to Section Seven of this Agreement, the Stanislaus County Auditor-Controller shall consider those special districts detached or dissolved as a result of the annexation. However, no property tax shall be transferred from these districts to the City until the detachments are completed and the Auditor-Controller has received such notification from the State Board of Equalization.

SECTION SEVEN: ALLOCATION OF PROPERTY TAX REVENUE: When a jurisdictional change occurs, the property tax revenue attributable to the territory annexed to the City shall be adjusted in the following manner:

a. For annexations other than County unincorporated islands, the County shall retain its share of the property tax revenue attributable to the base year assessed valuation of the area being annexed. After annexation, the annexing city shall receive a 30% share of the County's property tax share that is attributable to an increase in assessed value above the base year amount. The County shall continue to receive 100% of the property tax revenue attributable to the County's share of the lower of the current year's assessed valuation or the base year assessed valuation and 70% of its share of property taxes attributable to increases of assessed valuation in the annexed area over the base year assessed valuation.

b. The City shall receive the entire amount of property tax attributable to the base year and the annual tax increment or decrement of any affected special district in the area annexed. However, no transfer of property tax attributable to the base year assessed value and annual tax increment or decrement will occur until those special districts are either detached from the annexed area or dissolved.

c. For annexations affecting an entire unincorporated island, the annexing City shall receive 34% of the County's share of property tax including the base year amount or as otherwise separately negotiated. The City shall receive the base year tax and annual tax increments attributable to detached or dissolved special districts. .

SECTION NINE: ALLOCATION OF ANNUAL TAX INCREMENT: This section deleted.

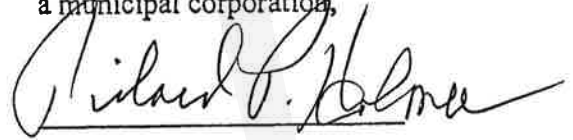
COUNTY OF STANISLAUS
STATE OF CALIFORNIA

5/18/06

By 

Richard Robinson, Chief Executive Officer
of the County of Stanislaus, State of California

CITY OF
a municipal corporation,



City Manager

ATTEST:

Christine Ferraro-Tallman, Clerk of the Board
of Supervisors of the County of Stanislaus,
State of California

By Christine Ferraro 5/24/06

APPROVED AS TO FORM:

Michael H. Krausnick, County Counsel


Deirdre McGrath 5/24/06
Deputy County Counsel

ATTEST:

City Clerk

By Linda Abid-Cumming

APPROVED AS TO FORM:


City Attorney

August 23, 2017

Ms. Marisela H. Garcia
Assistant City Manager/Director of Finance
City of Riverbank
6707 3rd Street
Riverbank, California 95367

Re: Proposal to Conduct a Tax Sharing Agreement Analysis for the City of Riverbank

Dear Ms. Garcia:

It was a pleasure speaking with you last week. As we discussed, Willdan Financial Services ("Willdan") is pleased to submit the following proposal to the City of Riverbank ("City") to assist with an analysis of its current tax sharing agreement with the County. We believe the City will find the attached proposal responsive to the needs of this assignment for the following reasons.

Dedication to Public Agencies and Public Solutions — Willdan has conducted studies for public agencies throughout California. Our team understands the problems facing local government under the current economic climate, and we have oriented our practice to support an agency's changed budget policies and public service priorities. Another advantage is our breadth of knowledge of city finance and community development operations. Our public finance teams often draw on a broad base of city finance, engineering, and building safety expertise that is not confined to project infrastructure and service funding plans. Over the past 50 years, Willdan's services have become increasingly tied to the long-term success of cities and their management of proposed development.

Broad Expertise with Municipal Finance — The firm's commitment to public agencies and public solutions has helped us develop the broad financial expertise that will be utilized for this engagement. Willdan has worked on virtually every aspect of municipal finance, including fiscal and economic impact studies related to development, annexation and re-organization, the financing of infrastructure and services through special districts or supplemental taxes, and even working under contract as a department of an entire municipality. This experience has provided Willdan team members with deep insight into the sources of municipal revenue and the costs of services.

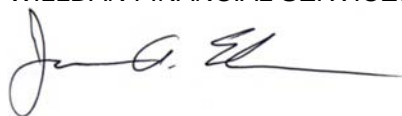
Specific Expertise in Fiscal Impact Studies — In the role of project manager, I will provide technical and policy guidance, as well as quality assurance to maintain quality client deliverables and high levels of integrity and outcomes throughout the project's duration. I have prepared dozens of fiscal impact studies for a wide range of needs, including planning, development, incorporation and annexation. Project Manager Carlos Villarreal will provide analytical support. With over 10 years of professional experience, Mr. Villarreal's areas of expertise include fiscal impact analyses; development impact fees; and public facilities financing plans.

Local Expertise — Willdan has provided financial consulting services to the City for approximately 20 years related to special district formation and administration services. Furthermore, I have worked on a range of projects in Stanislaus County. Our proven record of success on a variety of projects for the City provides assurance of the professionalism and capability we will bring to this engagement. More importantly, our knowledge of the organization, procedures and staff will allow us to more effectively gather data and information, and clarify questions. This prior experience will provide an unmatched understanding of local political and constituent dynamics within the City.

We are excited about this opportunity to use our skills and expertise to assist the City of Riverbank. To discuss any aspect of our proposal, please contact me directly at (510) 912-4687, or via email at jedison@willdan.com.

Sincerely,

WILLDAN FINANCIAL SERVICES



James Edison
Managing Principal



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Experience and Qualifications

Firm Background

Willdan Financial Services is one of four operating divisions within Willdan Group, Inc. (WGI), which was founded in 1964 as an engineering firm working with local governments. Today, WGI is a publicly traded company (NASDAQ ticker: WLDN). WGI, through its subsidiaries, provides technical and consulting services that ensure the quality, value, and security of our nation's infrastructure, systems, facilities, and environment. The firm has been a consistent industry leader in providing all aspects of municipal and infrastructure engineering, public works contracting, public financing, planning, building and safety, construction management, homeland security, and energy efficiency and sustainability services. Today, WGI has over 700 employees operating from offices in Arkansas, Arizona, California, Colorado, District of Columbia, Florida, Illinois, Kansas, Nevada, New Jersey, New York, Ohio, Oregon, Texas, and Washington.



Willdan Financial Services

Founded in 1988, Willdan Financial Services is one of the largest public sector financial consulting firms in the United States. Since that time, we have helped over 800 public agencies successfully address a broad range of financial challenges, such as financing the costs of growth and generating revenues to fund desired services. Willdan assists local public agencies by providing the following services:

- Utility rate and cost of service studies;
- Cost allocation studies;
- Real estate economic analysis;
- Economic development plans and strategies;
- Tax increment finance district formation and amendment;
- Housing development and implementation strategies;
- Financial consulting;
- Real estate acquisition;
- Classification/compensation surveys and analysis;
- Development impact fee establishment and analysis;
- Feasibility studies;
- Debt issuance support;
- Long-term financial plans and cash flow modeling; and
- Property tax audits.

Our staff of over 70 full-time employees supports our clients by conducting year-round workshops and on-site training to assist them in keeping current with the latest developments in our areas of expertise.



Fiscal Impact Analysis Experience

Willdan has completed fiscal impact analyses for a wide range of projects and municipal agencies. The project manager proposed for this engagement, Managing Principal James Edison, has prepared dozens of fiscal impact studies for a wide range of needs, including planning, development, incorporation, and annexation. Following are several project examples.

- **Conceptual Plan Fiscal Impact Analysis, City of Alameda** – prepared an estimate of the fiscal impact of the development to provide guidance specific to the range of negotiation of incentives for development. Examined expected project revenues and expenditures required to provide municipal services.
- **Napa Pipe Specific Plan Analysis, County of Napa** – analyzed the fiscal and economic impact of the project on Napa County, and prepared an urban decay analysis.
- **Loma Rica Specific Plan, City of Grass Valley** – prepared a market study, fiscal impact study, and implementation plan for the Loma Rica Specific Plan.
- **Pomona Valley Hospital Medical Center Fiscal Impact Analysis, City of La Verne** – analysis included the identification of: current supply and demand for medical facilities in the area, impact on public services, and fiscal and economic impacts of the proposed project on the finances of the City and the City economy.
- **Monterey Downs Fiscal and Economic Impact Analysis, Monterey Downs, LLC** – prepared an analysis of the fiscal and economic impacts of the project, which included residential, retail, hotel and an equestrian facility, on the City of Seaside and the County of Monterey.
- **Temecula Creek Inn Fiscal Impact Analysis, City of Temecula** – prepared a fiscal impact analysis to identify whether the proposed development would negatively impact the City.
- **Solar Farm Fiscal and Economic Analysis, County of Imperial** – evaluated the fiscal and economic impacts of a series of proposed solarvoltaic facilities (or “solar farms”) on land near the Town of Calipatria within the County.
- **Crossroads Redevelopment Area Market Analysis & Tax Increment Financing Feasibility Strategy, City of Omaha, NE** – conducted a market feasibility study and an economic and fiscal impact analysis of the proposed Crossroads Mall Redevelopment Area within the City of Omaha.
- **Revenue Enhancement Options Study, City of Duarte** – examined options to seek additional revenue as well as realize savings on City services. Analyzed the feasibility and approximate revenue from several sources, including parcel taxes, special taxes, utility user fees, sales tax measures, as well as others.

Mr. Edison is well respected by our clients for his skills in proactively organizing a clear, consensus-based project approach.





Project Team

Willdan's management and supervision philosophy for the project team is very simple: staff every position with experienced, capable personnel in sufficient numbers to deliver increased responsiveness and a superior product to the City of Riverbank ("City"). With that philosophy in mind, we have selected experienced professionals for this engagement. We are confident that our team possesses the depth of experience that will successfully fulfill your desired work performance.

Willdan proposes Mr. **James Edison** to serve as in the role of **project manager** due to his familiarity with municipal budgets and operations, innovative approaches to funding public facilities and services, and extensive experience completing fiscal and economic impact studies. He is well respected by our clients for his ability to proactively organize a clear, consensus-based project approach. As the City's day-to-day contact, he will attend key meetings; make presentations; participate in identifying project issues and solutions; and track the project schedule, thereby ensuring the timely completion of project deliverables.

Mr. **Carlos Villarreal** will serve as **senior project analyst** for the City's engagement. Mr. Villarreal will be responsible for data gathering and report writing. He will also be responsible for coordinating with the client to ensure that data gathering proceeds smoothly and minimizes the burden on client staff.

Resumes

Resumes for the proposed team members, which include applicable project experience, are provided on the following pages.



James Edison

Project Manager

Education

*Juris Doctorate, Boalt
Hall School of Law,
University of California,
Berkeley*

*Master of Public Policy,
Richard and Rhoda
Goldman School of
Public Policy, University
of California, Berkeley*

*Bachelor of Arts, magna
cum laude, Harvard
University*

Professional Registrations

*Member of State Bar,
California*

*Licensed Real Estate
Broker, California*

Affiliations

*Council of Development
Finance Agencies*

*CFA Society of San
Francisco*

*Congress for the New
Urbanism*

Urban Land Institute

Seaside Institute

*International Economic
Development Council*

18 Years' Experience

Mr. Edison specializes in the nexus between public and private enterprises, with particular expertise in public-private partnerships, and the benefits of economic development to municipalities and state, provincial, regional and national governments. He has particularly deep expertise in land use economics with a specialty in finance and implementation, including fiscal impact and the public and private financing of infrastructure and development projects, both in the United States and internationally. He has worked for both public and private clients on the implementation of public-private transactions, providing market and fiscal analysis, finance strategies, and negotiation support. His public-sector experience includes local and regional economic impact studies, fiscal impact evaluations, new government formation strategies, and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities. Mr. Edison has conducted numerous evaluations of the economic and fiscal impact of specific plans, and consulted on a wide variety of land use planning topics related to community revitalization and the economic and fiscal impacts of development. He has evaluated markets for entire new towns as well as for individual proposed residential, retail, entertainment, office, R&D, hotel and mixed-use projects throughout the western United States and abroad.

As a former bond attorney, Mr. Edison understands the legal underpinnings and technical requirements of public financing instruments, and has advised both public and private clients on the use of individual instruments and the interaction between those instruments and the needs of developers and project finance. He has also conducted project feasibility studies for a wide range of development, often in connection with community revitalization or expansion efforts. He has conducted fiscal impact evaluations in a wide range of contexts, including specific plans, individual development projects, community revitalization programs, annexations and government reorganizations.

Project Experience

City of Alameda, CA — Alameda Point Financial Analysis: Prepared a fiscal impact analysis and infrastructure financing plan for the Alameda Point Specific Plan. Willdan is currently helping the City negotiate with a developer for the implementation of Site A, the first part of the Alameda Point Specific Plan.

County of Napa, CA — Napa Pipe Specific Plan: Evaluated infrastructure finance requirements for the Napa Pipe project in southern Napa County, consisting of approximately 500,000 square feet of commercial development, 3,000 residential units, and a hotel. Provided an infrastructure financing strategy, drawing on the resources of the project itself and other financing mechanisms such as special assessments. Mr. Edison also analyzed the fiscal and economic impact of the project on Napa County.

County of Imperial, CA — Solar Farm Fiscal and Economic Analysis: Mr. Edison was engaged by the County of Imperial to evaluate the fiscal and economic impacts of a series of proposed solarvoltaic facilities (or "solar farms") on land near the Town of Calipatria in Imperial County. For each, Mr. Edison calculated the tax revenues and service expenditures accruing to the County from development of the project, and estimated the economic impacts of the project using IMPLAN, including the impact of the construction and ongoing operation of the solar farm, along with the negative impact of the removal of the project site from agricultural production.

City of Foster City, CA — Pilgrim-Triton Area Economic and Fiscal Impact Analysis: The City of Foster City engaged Mr. Edison to provide an analysis of the fiscal impacts of the development of the proposed Pilgrim-Triton Specific Plan. He provided an examination of the fiscal implications of a range of project alternatives, including the effects on the City's General Plan and services needed for new development within the Specific Plan.



City of Foster City, CA — Gilead, Chess Drive, and Mirabella Fiscal Impact Studies: The City of Foster City hired Mr. Edison to provide an evaluation of the fiscal impact of three specific plans in the City. He evaluated the impact on services of each plan, the anticipated new revenues and expenditures, and the necessity for new public facilities to serve the projects.

City of Murrieta, CA — Master Facilities Plan and Development Impact Fee Calculation Report Update: Mr. Edison served as the principal-in-charge of the City's study to update their Master Facilities Plan and Development Impact Fee Calculation Report, to ensure that new development pays the capital costs associated with growth. The existing fees were adopted in 1998.

County of Monterey, CA — East Garrison Specific Plan Financing and Implementation: East Garrison, located on the easternmost portion of the former Fort Ord in Monterey County, consisted of approximately 1,400 residential units, including single family detached, town homes, apartments, and affordable housing, a town commercial center, and arts facilities. Mr. Edison assisted the developer and the County with a wide range of financing issues, including the availability and structuring of public finance, fiscal mitigation measures, economic impacts, the implementation of affordable housing, and the negotiation of business terms between the developer and the County. He also assisted the developer in negotiations with the Fort Ord Reuse Authority over the base wide capital improvement program and the structuring of the payment of impact fees generated by the development.

City of Vallejo, CA — Service Island Annexation Fiscal Impact Analysis: The City of Vallejo engaged Mr. Edison to provide an analysis of the fiscal impact of the annexation of three unincorporated areas within the City's boundaries, areas commonly called "service islands." Solano County LAFCo requested the City examine the impact of annexation as part of a larger annexation proposal by the City. He provided an examination of the fiscal implications of the annexation of each area, including population, business activity, and the likely revenues and costs associated with adding each area to the City.

City of Vallejo, CA — Costco Expansion Urban Decay, Economic, and Fiscal Impact Analysis: At the request of the City of Vallejo, Mr. Edison examined the economic impact of a proposed expansion of an existing Costco. The analysis included projections of the impact on sales tax, employment, property tax, and the net impact to the City's budget. Based on the analysis, the City Planning Commission approved the Costco expansion.

City of Redding, CA — Oasis Towne Center Financing and Fiscal Analysis: Hired by the Levenson Development Company (LDC) to assist with an economic/fiscal impact study and a financing plan for the Oasis Towne Center, a retail development of approximately one million square feet in Redding, California. Mr. Edison advised LDC on how to structure the financing of the development in order to provide public benefits from the project and minimize the need for public resources. He prepared an economic and fiscal analysis and negotiated a series of service plans and fiscal mitigation measures with the City of Redding. Mr. Edison also prepared a financing plan for infrastructure needed not only for the immediate project but also for development within the entire Oasis Road Specific Plan area.

City of Anaheim, CA — Focused Site Analysis Peer Review: The Sun Cal Development Company sought to build homes on a parcel in the City of Anaheim located within the City's resort area. Mr. Edison reviewed a series of reports prepared for the City by its consultants that evaluated the likely impact on the City of developing homes on the Sun Cal parcel rather than resort uses. He evaluated tax revenue projections, hotel and resort market studies, and other data prepared for the City, and also conducted an independent analysis of the impact of the proposed Sun Cal development on property tax and transient occupancy tax revenues that would be received by the City. Mr. Edison's analysis provided support to the Sun Cal residential proposal.

County of Placer, CA — Bohemia Lumber Site, Fiscal Impact and Urban Decay Analysis: The County of Placer engaged Mr. Edison to examine the fiscal impact and potential urban decay effects from the development of the former Bohemia Lumber site into a retail center. Mr. Edison prepared the analysis and presented the results to the County Board of Supervisors.

Carlos Villarreal

Senior Project Analyst

Education

Master of Public Policy,
Richard and Rhoda
Goldman School of
Public Policy, University
of California, Berkeley

Bachelor of Arts,
Geography, University of
California, Los Angeles;
Minor in Public Policy
and Urban Planning

Areas of Expertise

Fiscal Impact Analyses

Development Impact
Fees

Public Facilities
Financing Plans

GIS Analysis

11 Years' Experience

Mr. Villarreal is a project manager in Willdan's Oakland office. He possesses extensive experience analyzing the economic impacts of fee programs, documenting nexus findings for development impact fees, preparing capital improvement plans, and facilitating stakeholder involvement. Mr. Villarreal has supported adoption of fee programs funding a variety of facility types, including, but not limited to, transportation, parks, library, fire, law enforcement and utilities.

Project Experience

City of Long Beach, CA – Park Impact Fee Update: Willdan assisted with an update to the City's existing Park Impact Fees in 2013, with Mr. Villarreal serving in the role of project manager. The project included updating demographic data and facility planning to properly update park facility standards. This information was used to then calculate impact fees for single family and multi-family residential dwelling units and prepare a Nexus Study documenting the revised fees and all required legal findings under the *Mitigation Fee Act*.

County of Stanislaus, CA – Impact Fee Study Update: Mr. Villarreal served in the role of project manager for a study updating the County's existing impact fee program that included a range of facilities; public protection, library and park facilities. The study also included a transportation facilities impact fee, with different fees calculated for two zones within the County. Considerable stakeholder outreach was an integral component of this project.

City of Morgan Hill, CA – Impact Fee Study Update: Mr. Villarreal served as the project manager for an update to the City's existing nexus study, including parks and recreation, general government, fire, police, library, traffic and storm drain fee categories. The project scope included considerable stakeholder outreach.

City of Sierra Madre, CA – Public Facilities Fee Study: Willdan was retained to prepare impact fee documentation for the City of Sierra Madre. The impact fee documentation included several fee categories, including a park facilities fee and a Quimby In-Lieu Fee for parkland dedication. The analysis documented two separate park-related fees; one based on the Quimby Act and the other based on the *Mitigation Fee Act*. The City would collect the fee based on a standard of 3.0 acres per 1,000 residents if the development was subject to the Quimby Act land dedication requirement. For all other development, the City would collect based on the existing standard through the *Mitigation Fee Act*. The City would only collect one of the two fees depending on which fee was appropriate.

County of San Joaquin, CA – Traffic Impact Mitigation Fee Update Report: Conducted a nexus analysis for an impact fee study updating the County's existing Transportation Impact Mitigation Fee (TIMF) program. In addition to the nexus analysis, the study included an investigation of available alternative funding sources, including local, state and federal sources. The TIMF included projects from the San Joaquin Council of Governments' (SJCOG) Regional Transportation Plan, Regional Transportation Improvement Program and other transportation planning documents.

Kern Council of Governments, CA – Regional Alternative Funding Program: Mr. Villarreal served in the role of project manager for the establishment of this program, which consisted of a deficiency analysis and nexus study to fund transportation projects in Kern County.

City of Santa Clarita, CA – Law Enforcement Facilities Fee Study: Mr. Villarreal assisted with the development of an impact fee program to fund law enforcement facilities serving the City of Santa Clarita and other Antelope Valley jurisdictions within the County of Los Angeles. The analysis involved the comparison of law enforcement facilities serving incorporated and unincorporated areas.

Scope of Services

We want to ensure that our scope of services is responsive to the City's needs and specific local circumstances. We will work with the City to revise our proposed scope based on input prior to approval of a contract, and as needed during the study.

Task 1: Survey Comparable Jurisdictions

Description: Willdan will review the City's tax sharing agreement then then gather tax sharing agreements and other data from a range of other jurisdictions to give the City a sense of how its current agreement compares. Willdan will work with the City to identify comparable jurisdictions and then prepare a technical memorandum summarizing the comparison.

Deliverable: Technical memorandum

Fee: \$4,000, including one meeting in Riverbank.

Task 2: Estimate Fiscal Implications of Tax Sharing Agreement

Description: Willdan will construct a fiscal model based on a range of hypotheticals (such as a development project or specific plan) to estimate the net fiscal revenue the City receives from new development based on the terms of the tax sharing agreement. Willdan will prepare a rough estimate of the revenues and costs to calculate the net fiscal impact.

Deliverable: Technical memorandum with estimated fiscal impacts of current tax sharing agreement and potential impacts of modified agreement.

Fee: \$15,000, including one meeting in Riverbank to present results.

Task 3: Assist City with Tax Sharing Agreement Negotiations

Description: If desired, Willdan will assist the City in discussions with the County and other stakeholders regarding tax sharing agreements. Willdan can provide the analysis already prepared, as well as provide additional analysis, as needed. Because this assignment is relatively open ended, it is not possible to provide a cost estimate at this point. Willdan can charge at our standard hourly rates, plus expenses, or can work with the City on a contract and scope in advance of commencing the effort.

Task 4: Meetings

Description: Willdan will attend meetings with the City as needed. It is anticipated that two meetings will be necessary for the initial matter, one to kick off the project and one to present findings of Task 2.



City Staff Responsibilities

To complete our tasks on schedule, we will need the cooperation of City staff. We suggest that the City assign a key individual as project manager. It is expected that the City's appointed project manager will:

1. Help resolve policy issues;
2. Coordinate responses to informational requests; and
3. Coordinate review of work products.

Our proposed scope of services includes two on-site meetings. Teleconferences are not considered meetings for the purposes of this scope. We will work with City staff to coordinate meetings to keep the project on schedule.

Willdan will endeavor to minimize the impact on City staff in the completion of this project. Furthermore, Willdan will rely on the validity and accuracy of the City's data and documentation to complete the services described herein. We will rely on the data as being accurate without performing an independent verification of accuracy, and that we will not be responsible for any errors that result from inaccurate data provided by the client or a third party.

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WILLDAN
FINANCIAL SERVICES FOR A PROPERTY TAX SHARING AGREEMENT ECONOMIC
IMPACT ANALYSIS AND TO APPROPRIATE \$15,000 FROM THE GENERAL FUND
RESERVES FOR SAID ANALYSIS**

WHEREAS, at the March 20, 2017 Strategic Planning Session the City Council established an objective for the City Manager and Assistant City Manager to “Evaluate alternative revenue sources and present their findings to the City Council”; and

WHEREAS, as part of the evaluation of revenue sources the City Manager and Assistant City Manager felt it prudent to review current sources of revenue; and

WHEREAS, in reviewing the current Property Tax Sharing Agreement with Stanislaus County it was determined that it may be feasible for the City to re-negotiate the agreement with the County; and

WHEREAS, in order to aid City staff to begin the discussions with Stanislaus County, the performance of an Economic Impact Analysis is needed, which will evaluate the current Agreement and establish a base line to which the City may begin discussions with the County and will provide sufficient background information to move forward; and

WHEREAS, it is prudent for the City of Riverbank to fully investigate this option and the potential for negotiating a revised contract by authorizing the expenditure to conduct the analysis.

NOW, THEREFORE, be it resolved that the City Council of the City of Riverbank authorizes the City Manager to execute a contract with Willdan Financial Services for an Economic Impact Analysis and appropriate \$15,000 from the General Fund Reserves to account 101-402.000-702.032 for said contract services.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12th day of September, 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
City Clerk

Richard D. O'Brien
Mayor

Attachment: Copy of contract