



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

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

AGENDA

TUESDAY, SEPTEMBER 11, 2018– 6:00 PM

(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 Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz
- 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

- Item 1.1:** Commendation Certificate of Achievement for the 2018 Stanislaus County Summer Reading Challenge Winner
- Item 1.2:** Presentation by Dr. Camp Superintendent of Riverbank Unified School District on Bond Initiative.

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 28, 2018, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** Adopting a Formal Financial Policy and Procedure for Returned Checks.

Item 3.D: Acceptance of the Pavement Restoration Project 2018 Conducted by VSS International, Inc. at a Total within Budget Cost of \$360,596.25 and Authorization to File a Notice of Completion.

Item 3.E: Acceptance of the Wastewater Treatment Plant Entrance Road Improvement Project Conducted by Garrett Thompson Construction, Inc. at a Total within Budget Cost of \$87,190.00 and Authorization to File a Notice of Completion.

Recommendation:

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

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2018-006 Amending the Downtown Specific Plan: Section 2.3.4 Signage, by Repealing this Section in its Entirety and Substituting it with a New Section 2.3.4 Signage** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2018-006 and consider its adoption by roll call vote.

5. PUBLIC HEARINGS

There are 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 (Mayor O'Brien) 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.

7. COMMENTS/REPORTS

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

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

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

Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Aemetis, Inc.

Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS**

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

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

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

9. REPORT FROM CLOSED SESSION

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

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS** –Mid-Management Bargaining unit

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

ADJOURNMENT (The next regular City Council meeting – Tuesday, Sept. 25th @ 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 6th day of September, 2018

/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 of (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.

Meeting Schedule	<u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed. <u>Local Redevelopment Authority Board:</u> (The City Council also serves as the LRA Board.) Meets on an "as needed" basis. The City Council also serves as the LRA Board.
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/LRA Board, for which special notice has been given. During a specified portion of the hearing, any interested party is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent or delivered to the City Clerk must be received no later than <u>5:00 p.m. on the day of the meeting</u> to allow for their distribution to the City Council/LRA Board. Preparations for the meeting are conducted between 5:00 p.m. and 6:00 p.m. and therefore the City Clerk is not available during this time.
Televised / Video of Meetings	• Charter – Channel 2 • AT&T Uverse – Channel 99 • www.riverbank.org – video icon – under Agendas and Minutes link
City Hall Hours	City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATION

Meeting Date:	September 11, 2018
Subject:	Commendation Certificate of Achievement for the 2018 Stanislaus County Summer Reading Challenge Winner
From:	Sean Scully, City Manager
Submitted by:	Norma Torres-Manriquez, Administrative Analyst II

RECOMMENDATION

It is recommended that the City Council present a recognition of achievement certificate to Garrett Wadsworth for winning the 2018 Stanislaus County Summer Reading Challenge.

SUMMARY

Young Garrett Wadsworth is an avid reader and this 2018 summer he read over 56 hours for fun! Garrett is eight years old and currently is in the third grade; his parents Mr. & Mrs. Wadsworth are to be commended for the outstanding job of nurturing and encouraging both of their home school children to be life time readers. Garrett is currently reading about Roman Mythology and enjoying novels with the fictional character of Percy Jackson.

FINANCIAL IMPACT

None

ATTACHMENT

1. Copy of Certificate
2. Copy of The Summer Reading Challenge Entry Form



Commendation of Achievement

Presented to

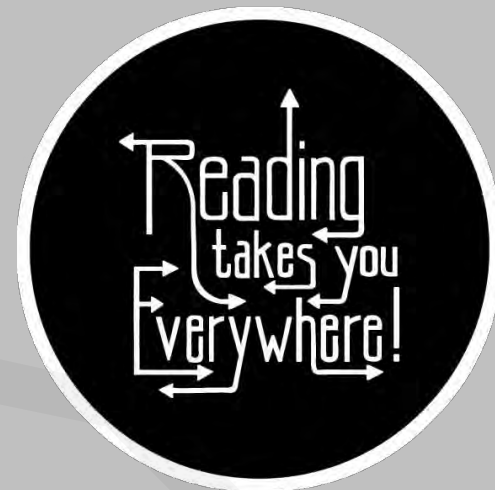
Garrett Wadsworth

2018 Stanislaus County Summer Reading Challenge Winner

For his commendable accomplishment of reading a total of 56 hours during the summer months of May 22 through August 7, 2018. Congratulations on your outstanding achievement.

September 11, 2018

Richard D. O'Brien
Mayor



**TAKE THE CHALLENGE
@ YOUR LIBRARY**

Read for entries into weekly
drawings for great prizes!
The more you read, the better your
chances of winning!

**ACEPTA EL RETO
EN TU BIBLIOTECA**

¡Leé para participar en sorteos
semanales para obtener
premios increíbles!
¡Cuanto más leas, mejores serán tus
posibilidades de ganar!



Summer Reading Challenge - May 22 to Aug. 7

@your local library
(209) 558-7810
www.stanislauslibrary.org



STANISLAUS COUNTY SUMMER READING CHALLENGE

Read for an hour. Mark off one of the squares below.

Finish 7 hours to be entered into a prize drawing.

Finish this log to get an extra chance to win.

There's no limit on how many times you can enter!

ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA
ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA
ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA
ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA	ONE HOUR UNA HORA

Library:	Staff initials
Stamp	_____

Library:	Staff initials
Stamp	_____

Library:	Staff initials
Stamp	_____

Library:	Staff initials
Stamp	_____

For readers up to 18!
¡Para lectores hasta los 18 años!

RETO DE LECTURA DE VERANO DEL CONDADO DE STANISLAUS

Leé por una hora. Marca uno de los cuadros de abajo.

Completa 7 horas para entrar en un sorteo.

Termina este registro para obtener una oportunidad extra para ganar.

¡No hay límite en cuántas veces puedes entrar!



STANISLAUS
LIBRARY
FOUNDATION

Name/ Nombre: _____

Start Date/ Fecha de inicio: _____

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATION

Meeting Date:	September 11, 2018
Subject:	Presentation by Dr. Camp Superintendent of Riverbank Unified School District on Bond Initiative
From:	Sean Scully, City Manager

RECOMMENDATION

No Action – Presentation Only

SUMMARY:

Dr. Camp Superintendent of Riverbank Unified School District has requested the opportunity to present to the Council information about an upcoming School Bond initiative which will be in consideration on the November ballot.

FINANCIAL IMPACT:

None

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 11, 2018
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 any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council; typically 72 hours prior to the scheduled date and time of the meeting.

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 11, 2018
Subject:	Approval of the August 28, 2018 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 28, 2018, 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 28, 2018, City Council and LRA Minutes



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

**MINUTES OF
TUESDAY, AUGUST 28, 2018**

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: There was no invocation.

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

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *announced that the presentation Item 1.1 would occur upon Dr. Camp's arrival.*

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.

Councilmember Jones Cruz and Vice Mayor Barber-Martinez declared a conflict of interest with Item 6.2 due to being members of the Riverbank Federated Women's Club.

1. PRESENTATIONS

Item 1.1: ~~Presentation by Dr. Camp Superintendent of Riverbank Unified School District on Bond Initiative.~~ *[For the record, this item was actually scheduled to occur at the September 11, 2018 City Council meeting.]*

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.

Riverbank Library Manager Vicky Holt provided an update on the Library's activities.

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 July 24, 2018, City Council and Local Redevelopment Authority Minutes.

Item 3.C: Out of State Travel Request to have Finance Staff Attend the Caselle Annual User Conference in Salt Lake City, UT and Itron Utility Week 2018 in Scottsdale, AZ.

Item 3.D: A Resolution [No. 2018-060] Authorizing the Submittal of the Fiscal Year 2017-2018 Annual Program Income Report and Annual Performance Report for the Community Development Block Grant (CDBG) Program.

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

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 2.A through 3.D as presented; Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, 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. 2018-005, Amending Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone, by Repealing this Section in its Entirety

and Substituting it with New Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone, to the Riverbank Municipal Code of Ordinances – It is recommended that the City Council conduct the second reading by title only of the proposed ordinance and consider its adoption by roll call vote.

City Manager Sean Scully presented the staff report.

Councilmember Jones Cruz commented.

ACTION: *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 5-0) to approve Option #2 presented at the 07/24/2018 City Council meeting, Amending Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone, by Repealing this Section in its Entirety and Substituting it with New Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone, to the Riverbank Municipal Code of Ordinances by adoption of Ordinance No. 2018-005 as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

5. PUBLIC HEARINGS

The public hearing notice for Item 5.1 was published in the Riverbank News on 08/15/2018.

Item 5.1: **Conduct the First Reading by Title Only and Introduction of a Proposed Ordinance [No. 2018-006] Amending the Downtown Specific Plan: Section 2.3.4 Signage, by repealing this Section in its Entirety and Substituting it with a New Section 2.3.4 Signage** – It is recommended that the City Council conduct the public hearing of the first reading and introduction of the proposed ordinance and consider its approval, which will initiate the second reading at the September 11, 2018, regular City Council meeting, or soon thereafter, to consider its adoption.

Planning and Building Manager Donna Kenney presented the staff report.

City Council discussed the Item.

ACTION: *By motion moved and seconded (Jones Cruz / Campbell / passed 5-0) to approve the first reading and introduction of the proposed Ordinance [No. 2018-006] to initiate a second reading by title only and consider its adoption on September 11, 2018, as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

6. NEW BUSINESS

Item 6.1: **Approval of Six Month Strategic Objectives (June 2018 – December, 2018)** – It is recommended that the City Council approve the Six Month Strategic Objectives (Exhibit A) that were developed during the Strategic Planning Session held on May 25th 2018.

City Manager Sean Scully presented the staff report.

Vice Mayor Barber-Martinez and Councilmember Campbell commented.

Public comments were made by Mr. Tom (inaudible last name), Riverbank.

ACTION: *By motion moved and seconded (Jones Cruz / Fosi / passed 5-0) to Approve the Six Month Strategic Plan Objectives (June 2018 – December, 2018) as presented; (Exhibit A attached to these minutes.)*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.2: **Request for Waiver of Fees for Downtown Sip and Stroll Event** – It is recommended that the City Council consider approving a request from Kiwi's Custom Guns and the Riverbank Federated Women's Club to waive associated City fee's for street closure and use of public streets for a downtown sip and stroll event to promote economic development in the downtown area.

Due to Vice Mayor Barber-Martinez and Councilmember Jones Cruz serving as members of the Riverbank Federated Women's Club, they recused themselves from consideration of this item, and exited the Chambers at 6:31 p.m.

City Manager Sean Scully presented the staff report.

City Council commented on the event.

ACTION: *By motion moved and seconded (Campbell / Fosi / passed 3-0) to approve the waiver of fees associated with the City's street closure and use of public streets for the event. Motion carried by unanimous City Council roll call vote.*

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

NAYS: None / ABSENT: None / ABSTAINED: None

Vice Mayor Barber-Martinez and Council Leanne Jones Cruz returned to the dais at 6:35 p.m.

Item 6.3: **A Resolution [No. 2018-061] Amending the Discount Amounts and Eligibility Program Requirements of the Utility Rate Assistance Program (URAP) for Water and Sewer Rates** – It is recommended that the City Council consider adopting a resolution amending Section 1 and 2 of Resolution No. 2016-027 to establish new criteria for the Utility Rate

Assistance Program for low-income senior and low-income permanently-disabled residents.

*Assistant City Manager/Director of Finance Marisela Garcia presented the staff report.
City Council commented on the item.*

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to adopt Resolution No. 2018-061 Amending the Discount Amounts and Eligibility Program Requirements of the Utility Rate Assistance Program (URAP) for Water and Sewer Rates that were previously adopted by Resolution No. 2016-027. 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

Item 6.4: **A Resolution [No. 2018-062] Formally Opposing Proposition 6 (SB1 Repeal)** – It is recommended that the City Council consider whether or not approve the attached resolution requested by the League of California Cities opposing Proposition 6 which would repeal Senate Bill 1 (commonly known as the Road Repair and Accountability Act of 2017).

City Manager Sean Scully presented the staff report.

City Council discussed the item.

Councilmember Fosi commented she was torn between the need for SB1 funding, and its repeal to put money back into [people's] pockets.

Public comments were made by Mrs. Eva Nash and Mr. Luis Uribe.

ACTION: *By motion moved and seconded (O'Brien / Jones Cruz / passed 4-1) to adopt Resolution No. 2018-062 Formally Opposing Proposition 6 (SB1 Repeal) as presented. Motion carried by unanimous City Council roll call vote.*
AYES: Campbell, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: Fosi / ABSENT: None / ABSTAINED: None

Item 6.5: **Consideration of Whether to Adopt or Not Adopt a Resolution [No. 2018-063] Opposing the State Water Resources Control Board's Bay Delta Plan and Substitute Environmental Document** – It is recommended that the City Council consider the proposed resolution.

City Manager Sean Scully presented the staff report.

City Council and Staff discussed the item.

ACTION: *By motion moved and seconded (Campbell / Barber-Martinez / passed 5-0) to adopt Resolution No. 2018-063 Opposing the State Water Resources Control Board's Bay Delta Plan and Substitute Environmental Document as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

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

- *City Manager Sean Scully commented on the success of the Time Capsule event fundraiser, and announced that on September 5th at 10:00 a.m. a dedication of the Scott Mc Ritchie Trail at Jacob Myers Park would be taking place.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Fosi commented on the Claribel and Roselle signal light project.*
- *Council/Authority Member Campbell commented on fall approaching and the various city events that occur during this time.*
- *Council/Authority Member Jones Cruz thanked Library Manager Vicky Holt for providing the Library's activities update, and commented on the success of the Time Capsule event.*
- *Vice Mayor/Chair Barber-Martinez announced the Food Bank spaghetti dinner fundraiser, and reported on her attendance of the State Capitol rally [opposing the "State's water grab"].*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) Thanked City staff for the Time Capsule Event, 2) commented on the need for attention to downtown dead trees including the landscape and lighting district areas, and 3) commented on the opposition and support of the "water grab".

8. CLOSED SESSION

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

Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Aemetis, Inc.

Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS

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

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government
Code § 54956.9: (1) potential case

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 7:32 p.m.

9. REPORT FROM CLOSED SESSION

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

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

Mayor O’Brien reported that direction was provided to staff.

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LABOR
NEGOTIATORS** –Mid-Management Bargaining unit

Mayor O’Brien reported that direction was provided to staff.

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

Mayor O’Brien reported that direction was provided to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O’Brien adjourned the meetings at 8:01 p.m.

ATTEST: (Adopted 09/11/2018)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O’Brien
Mayor / Chair

Attachment: Item 6.1 – Exhibit A – Strategic Plan

CITY OF RIVERBANK • SIX-MONTH STRATEGIC OBJECTIVES

25 June 2018 – November 15, 2018

THREE-YEAR GOAL: <i>ACHIEVE AND MAINTAIN FINANCIAL STABILITY AND SUSTAINABILITY</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
November 2018	City Manager Assistant City Manager LRA Admin Analyst II	Award the master developer contract.				
October 2018	City Manager Assistant City Manager	Consider options and associated analysis for feasibility of opting out of CalPERS				
November 2018	All Management Staff	Conduct a User Fee Study and make recommendations to the City Council for updates.				
4 th Quarter 2018	City Manager Assistant City Manager	Achieve a tax sharing agreement with the county in relation to property taxes and Public Facility Fees.				

THREE-YEAR GOAL: <i>ATTRACT, DEVELOP AND RETAIN QUALITY STAFF</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
November 2018	Assistant City Manager / Finance Director - Human Resource Dept.	Identify proper staffing for each department and develop a Five-Year Staffing and Succession Plan.				
October 2018	Human Resources Dept.	Hold team building for staff.				
September 2018	Human Resources Dept.	Update the Employee Survey with recommendations for follow up.				

THREE-YEAR GOAL: *MAINTAIN AND IMPROVE THE CITY'S INFRASTRUCTURE AND SERVICE DELIVERY SYSTEMS*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
At the July 24, 2018 City Council meeting	Development Services, Admin Manager; Planning & Building Mgr., Human Services Spec/Admin Analyst II	Present to the city Council for direction options for hiring and funding staff to administer GIS to implement PIO/IT.				
November, 2018	Parks and Recreation Dir.	Identify funding and present a City-wide Park and Facility Master Plan to the City Council for action.				
November 2018	City Manager, Assistant City Manager, Input from all Management Staff	Conduct a spatial analysis of all city facilities, identifying needs for the next 50 years, including emerging technology and reserving an additional department to be identified in the future.				
October 2018	Accounting Manager	Develop a plan of action for completion of the water meter project and roll-out of consumption billing.				
September 2018	City Manager, Public Works Director	Identify water needs (storm, waste, potable) within the city in light of potential state charging for groundwater and report the results, with options, to the City Council.				
FUTURE OBJECTIVE	Dev Services Admin Manager	Determine the feasibility of funding stormwater improvement under SB 231 and make a recommendation to the City Council for action.				
FUTURE OBJECTIVE	City Manager, Contract Planner	Develop the East Side Industrial Master Plan.				

THREE-YEAR GOAL: EXPAND ECONOMIC DEVELOPMENT OPPORTUNITIES FOR BUSINESSES						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
September 2018	Planning/Building Manager, Dev Services Admin Manager	Provide the City Council with an update on the removal of obstacles to development at Patterson and Estelle				
October 2018	CM, ACM Planning/Building Manager, Dev Services Admin Manager	Continue development of online processes, e.g., paying fees				
September 2018	City Manager, Contract Planner	Hold a joint City Council-Planning Commission workshop to discuss the plan for Crossroads West.				
September 2018	City Manager, City Attorney, Planning Building Manager, Contract Planner	Negotiate the development agreement for Crossroads West.				
October 2018	Parks and Rec Director, Planning Building Manager	Identify ways to direct traffic to downtown to promote downtown activity, e.g., signs-one on Atchison, one on Patterson; install an arch over 3 rd St.				
October 2018	City Manager, Admin Analyst / Human Services Specialist	Develop and present to the City Council for action an incentive system for the businesses downtown.				

THREE-YEAR GOAL: <i>ENHANCE PUBLIC SAFETY</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
September 2018 (As part of final budget)	City Manager, Assistant City Manager	Hire at least one deputy sheriff, making progress toward 1:1000 of population.				
4 th Quarter 2018	Admin Analyst II / Human Services Specialist	Hold a mock disaster preparedness event.				
October 2018	Dev Services Admin Manager, Public Works Director	Identify funding for additional streetlights				
October 2018	City Clerk	Present the Illegal Fireworks Ordinance to the City Council for action.				
FUTURE OBJECTIVE	CM, Parks Rec Director, PW Director, Dev Services Admin Manager	Install police cameras in parks, public places and roads.				

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 11, 2018
Subject:	A Resolution Adopting a Formal Financial Policy and Procedure for Returned Checks
From:	Sean Scully, City Manager
Submitted by:	Anna Nicholas, Accounting Manager

RECOMMENDATION

It is recommended the City Council approve a Resolution revising the Financial Policy titled Returned Check Policy.

SUMMARY

To promote better fiscal management and revenue collection, the Finance Department is updating the Returned Check Policy to reduce the number of returned checks a customer is allowed from three **(3)** to two **(2)** prior to being placed on a “cash or credit card” only basis as a form of payment. In addition, the Returned Check Policy is being revised to reflect current fees imposed by our online payment gateway, Xpress Bill Pay, and to update language of fees regulated by the State.

BACKGROUND

The current Returned Check Policy allows for customers to have three (3) insufficient checks/eChecks returned due to insufficient funds or other reasons before being placed onto a “cash or credit” only basis

The last revision of the Returned Check policy took place April 14, 2015. At that time, an increase in fees imposed by our financial institution necessitated a revision to the policy for cost recovery reasons. No other policy revisions were made at that time. At present time, the returned item fees have remained status quo, but City staff recommends reducing the number of allowable returned items from three (3) per customer to two (2) per customer. Due to repeated insufficient items being received, staff feels it appropriate to reduce the number from three to two to discourage the number of returned items received by the City. There is a considerable amount of time spent by staff to enforce the collection of the returned items.

STRATEGIC PLAN

This policy revision will help support the City's strategic plan goal of achieving and maintaining financial stability and sustainability.

FINANCIAL IMPACT

Transaction fees imposed by Westamerica Bank will remain the same. The transaction fees imposed by Xpress Bill Pay will now be reflected in the revised return check policy. The fees passed on to the consumer are within the allowable amounts as dictated by the State of California regulation per Civil Code 1719.

ATTACHMENTS

1. Proposed Resolution
2. Returned Check Policy
3. Westamerica returned item fee schedule

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, ADOPTING A FORMAL FINANCIAL POLICY AND
PROCEDURE TITLED RETURNED CHECK POLICY**

WHEREAS, on April 14, 2015, the Riverbank City Council adopted Resolution No. 2015-023, which established a formal policy regarding returned checks; and

WHEREAS, the authority to establish said policy is given by Section 1719 of the State of California Civil Code; and

WHEREAS, the City of Riverbank Finance Department has updated said policy in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby adopts the formal Financial Policy and Procedure for Returned Checks as set forth in **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 11th day of September, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk /LRA Recorder

Richard D. O'Brien
Mayor

Attachment: Exhibit A - Financial Policy and Procedure: Returned Checks

Section: Finance	Date: September 2018
Subject: Returned Check Policy	
Applies To: All Persons remitting payments to the City	City Manager Approval:

Purpose

The purpose of the Returned Check Policy is to establish a procedure for City staff regarding returned checks due to insufficient funds, closed accounts, stop payments and other means that would cause a check to be returned to the City. In addition, the adoption of the Returned Check Policy allows for communication of current industry fees imposed for such said items, including State regulations of such fees.

Policy Procedures and Associated Fees for Checks Returned to the City

The City of Riverbank Finance Department Fees for Returned Checks:

1st Returned Check \$25.00*

2nd Returned Check \$35.00*

Subsequent Returned Checks \$35.00*

*These fees are regulated (capped) by the State of California, pursuant to California Civil Code Section 1719.

1719. (a) (1) Notwithstanding any penal sanctions that may apply, any person who passes a check on insufficient funds shall be liable to the payee for the amount of the check and a service charge payable to the payee for an amount not to exceed twenty-five dollars (\$25) for the first check passed on insufficient funds and an amount not to exceed thirty-five dollars (\$35) for each subsequent check to that payee passed on insufficient funds.

For Returned Checks (electronic funds transfers-hereunto referred to as EFTs) processed through Xpress Bill Pay, the City's current payment gateway, the following fees shall be applied for the first and subsequent returned checks/EFTs:

Invalid account number or unable to locate account	\$5.00
NSF or closed account	\$10.00
Customer stop payment	\$25.00

If further collection is required for the returned check/EFT, the City will adhere to the collections amount allowed under California Civil Code Section 1719, including treble damages when necessary.

Any return check/EFT and associated returned item fee must be paid for in full, in accordance to the direction provided by the Finance Department, with cash, cashier's check, money order, or credit card. Personal checks will not be accepted to pay for check/EFTs items that have been returned to the City. All customers doing business with the City of Riverbank will be placed on a "cash or credit card" only basis after two (2) returned checks/EFTs have been received by the City.

In addition to full payment of the return item and fee, utility customers who have presented two (2) returned checks/EFTs for payments to the City will need to satisfy a minimum of twelve (12) consecutive months (at the discretion of the Finance Department) of no late payments on the utility account before personal checks will be accepted. If a customer closes an account and establishes a new account within this time frame, the returned check history will be imposed on the new account requiring the customer to continue the satisfactory completion of a minimum of twelve (12) consecutive months of on-time payment history. Failure to pay for the returned check/EFT may result in service disconnection. Upon restoration of satisfactory payment history, and check writing privileges reinstated, the first returned item received will immediately place the account back on a "cash only basis" in which no personal checks will be accepted, until advised by the Finance Department.

For all customers of the City, failure to pay the returned item and fee may result in service disconnection, or cancellation of service or activity of what the original payment was for. Failure to pay the returned item and fee may result in further collection action, such as, but not limited to: collection by a third-party debt collection agency and any collection activity authorized by the California Civil Code Section 1719.

Changes to Fees

Effective February 1, 2015

Analyzed Business Accounts

Insufficient Funds (NSF) and Overdraft Items:

\$35.00 per paid or returned item.

No maximum charge per day.

For further information, please contact
your local Community Banker, visit us online
at www.westamerica.com, or call Customer
Service toll free at 1-800-848-1088.



Equal Opportunity Employer

Westamerica.com

1-800-848-1088

Member FDIC

ADV065a (REV. 1/15)

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 11, 2018
Subject:	Acceptance of the Pavement Restoration Project 2018 Conducted by VSS International, Inc. at a Total within Budget Cost of \$360,596.25 and Authorization to File a Notice of Completion
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Pavement Restoration Project 2018 and authorize staff to file a Notice of Completion.

SUMMARY:

VSS International, Inc. has completed the construction of the Pavement Restoration Project 2018. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

On November 8, 2016 the Stanislaus County voters approved a ½ cent sales tax measure (Measure L) to fund local and regional transportation projects and programs. Through an analysis of the City's Pavement Management Plan the City has identified 11 roads to Cape Seal using funds the City has received through Measure L. A Cape Seal is a chip seal covered with a slurry or micro-surface. The benefits using a cape seal include a very smooth surface with an increased durability by sealing the subbase.

The City has also identified 43 road segments to Crack Seal using funding received through Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017. This Act was passed by the Legislature and signed into law by Governor Brown in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide. SB 1 includes accountability and transparency provisions that ensure residents of the City of Riverbank are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year. With this Pavement Preservation Project, the City will be using SB 1 funds to Crack Seal 43 roads from the list that was submitted to the California Transportation Commission (CTC) for Fiscal Year 2018-2019. Within the next couple of years these roads will then be Slurry Sealed.

The contract was awarded on June 26, 2018 to VSS International, Inc. in the amount of \$357,120.00. Two Contract Change Orders were issued for this project for a total amount of \$3,476.25.

It is recommended that the Council accept the Pavement Restoration Project 2018 as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

The total cost of construction is \$360,596.25. The total project was completed within budget which was programmed in the Measure L Funds of \$321,826.25 and SB-1 Road Maintenance and Rehabilitation Funds of \$38,770.00.

ATTACHMENTS:

1. Notice of Completion
2. Site Map
3. Street List

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET ADDRESS
CITY & STATE

CITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367

SPACE ABOVE THIS LINE
FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is City of Riverbank
(Print Full Name)
3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367
(Address, City, State, Zip)
4. The nature of the title of the undersigned is:
☒ Owner in Fee, **or** ☐ Vendee (Buyer) under Contract of Purchase, **or**
☐ Lessee, **or** ☐ Other
If "Other," briefly list or describe appropriate designation or title _____
5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:
Co-owner's Name(s) Co-owner's Complete Address (Number and Street, City, State, Zip)
N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):
Co-owner's Name(s) Co-owner's Complete Address (Number and Street, City, State, Zip)
N/A

7. A work of improvement on the property described below was completed on September 11, 2018
(Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 34809 • NOTICE OF COMPLETION (Civil Code Section 3093) • (Revised 12.03) • © Cowdery's 2005



6 06580 34809 1

8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") VSS International, Inc.

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

☒ The kind of work done or finished was Slurry Seal and crack seal various roads.
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:

Pavement Restoration Project 2018

(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is various roads in Riverbank, CA 95367

(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 11th day of September, 2018
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Project Coordinator
(Owner's Typed or Printed Name)

(Owner's Signature)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California

on this 11th day of September, 2018
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Project Coordinator

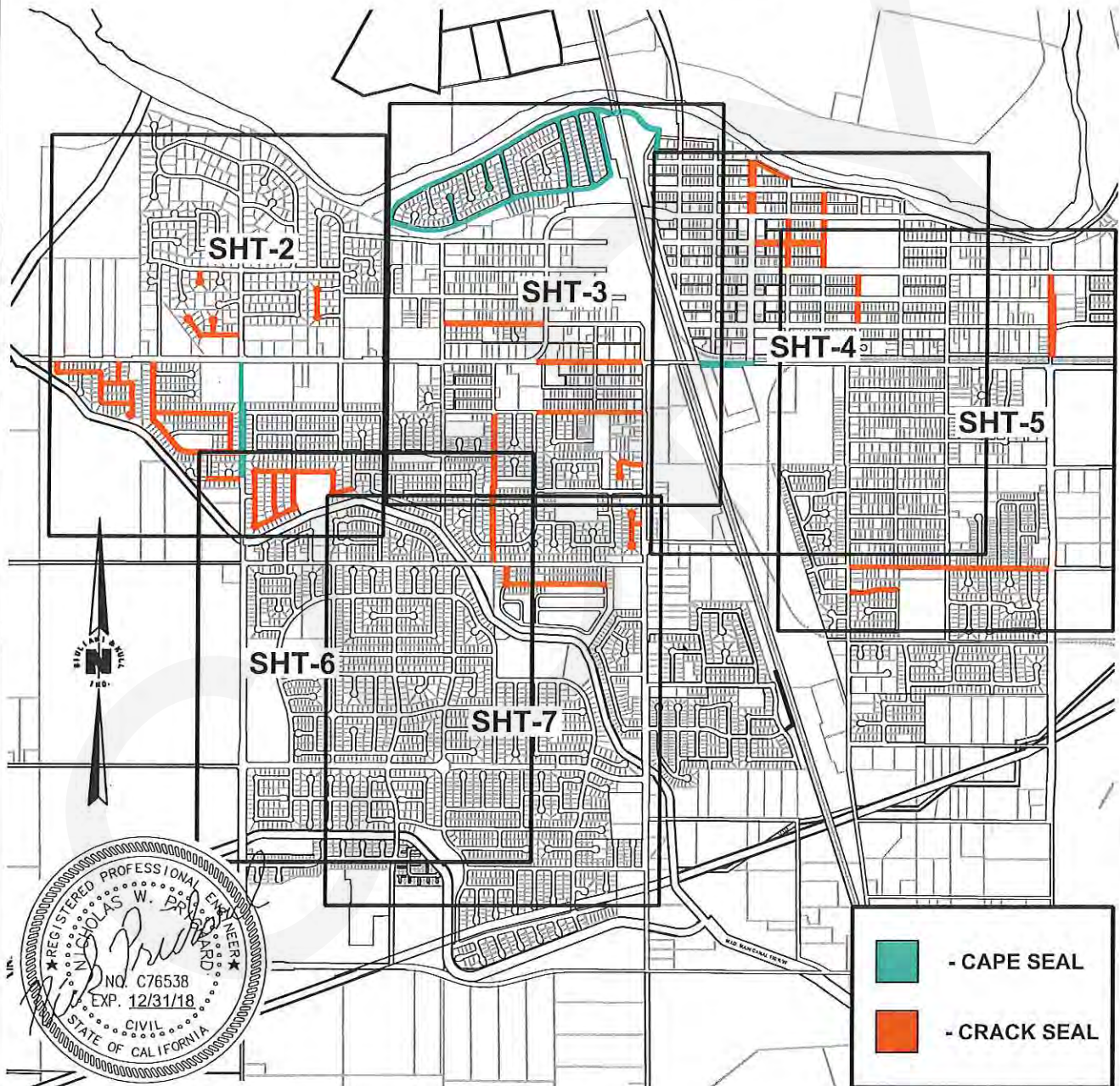
This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

CITY OF RIVERBANK PAVEMENT RESTORATION PROJECT 2018



- CAPE SEAL
- CRACK SEAL

GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • San Jose • Oakdale

SCALE	1" = 2000'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	18148
SHEET	1 of 9

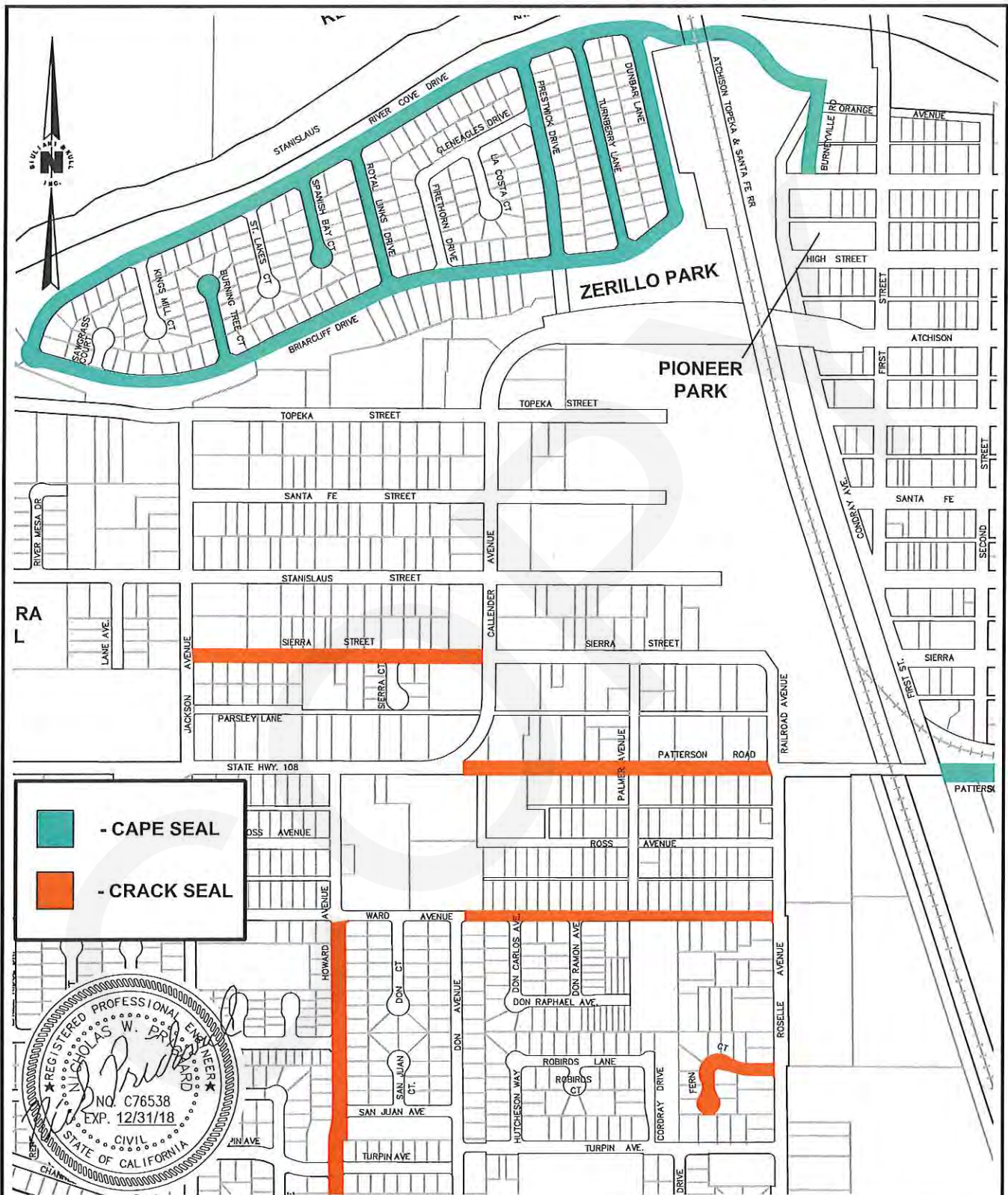
COVER SHEET - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
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SCALE	1" = 600'
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JOB NO.	18148
SHEET	2 OF 9

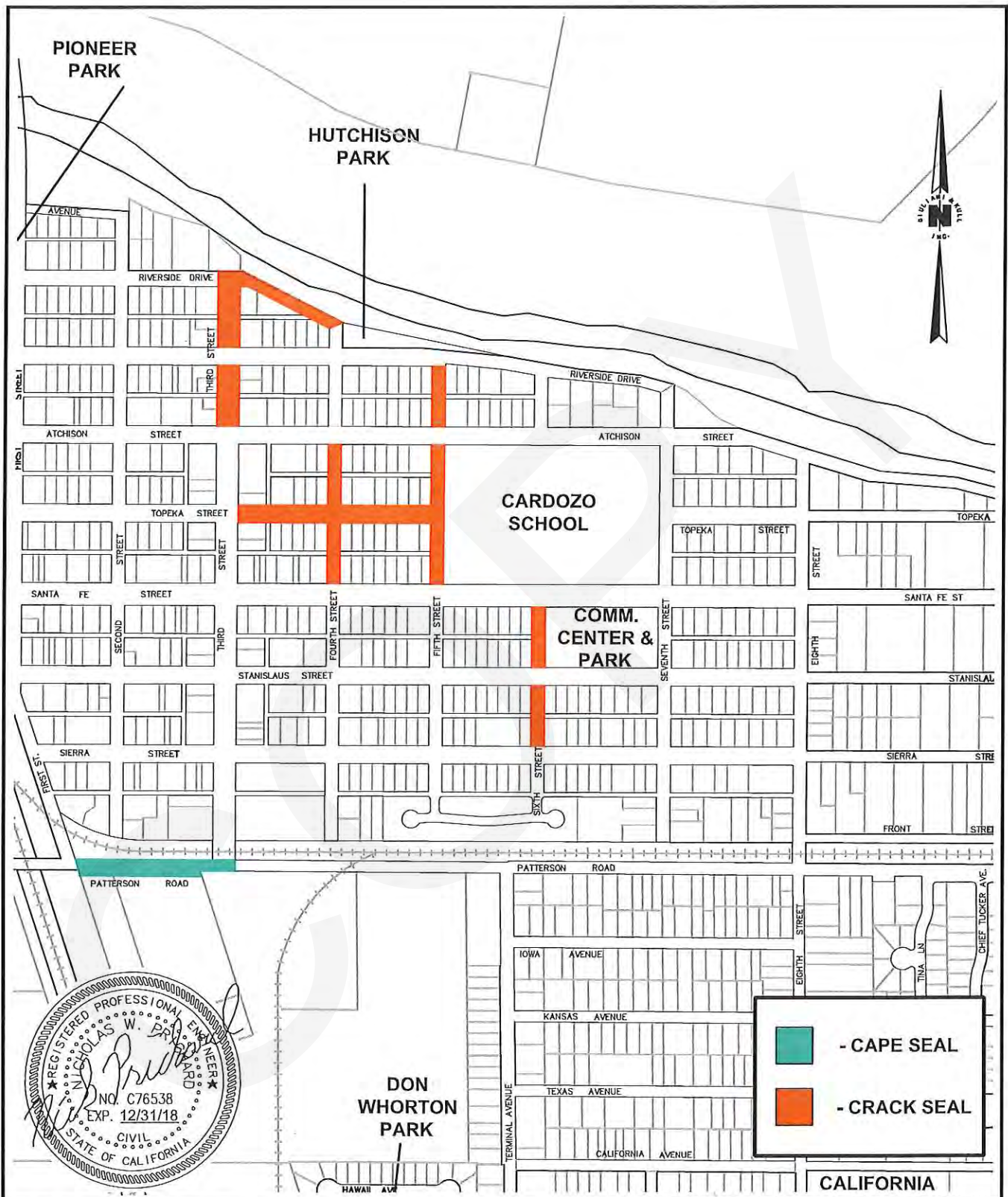
STREET INDEX - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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JOB NO.	18148
SHEET	3 OF 9

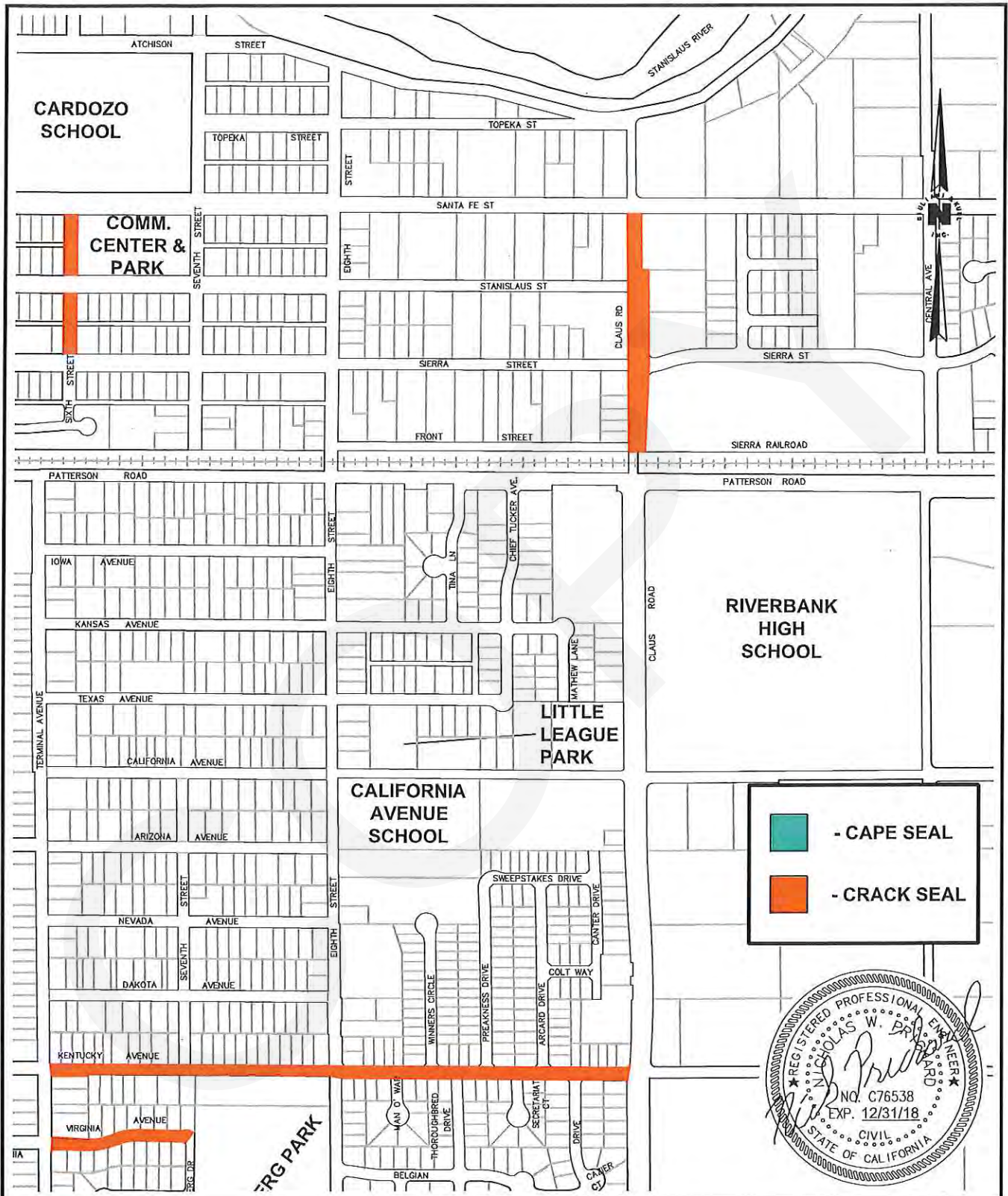
STREET INDEX - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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JOB NO.	18148
SHEET	4 OF 9

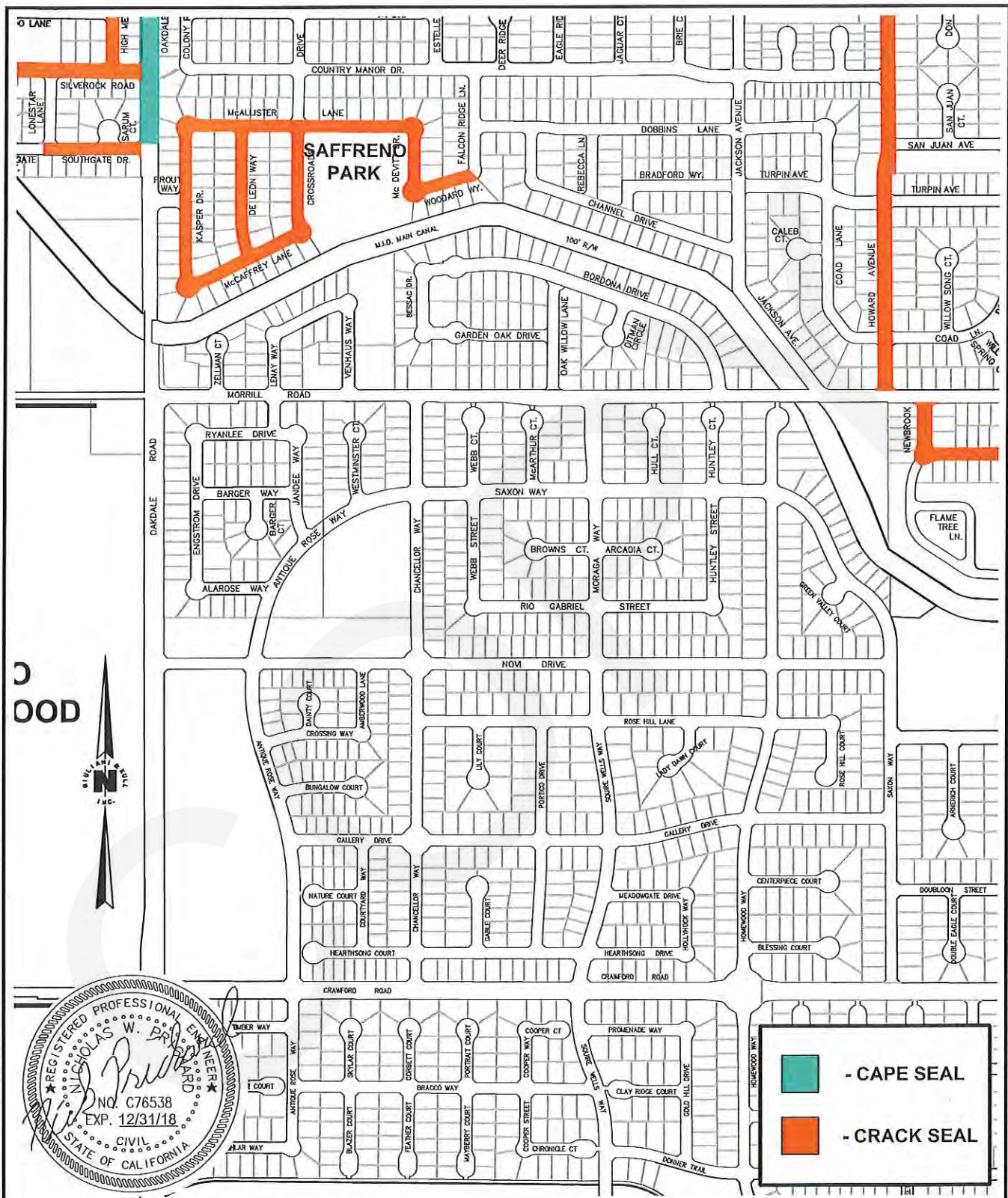
STREET INDEX - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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SCALE	1" = 600'
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JOB NO.	18148
SHEET	5 OF 9

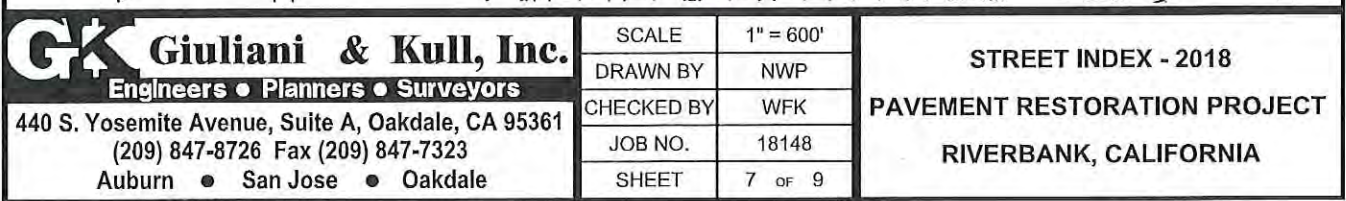
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PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



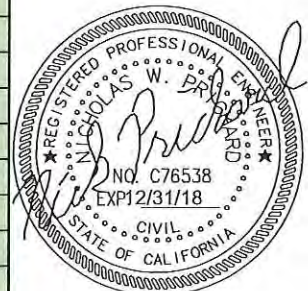
Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
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SCALE	1" = 600'
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JOB NO.	18148
SHEET	6 OF 9

STREET INDEX - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



Crack Seal			
Section ID	Street Name	G&K-Length	G&K-Width
1200-A	3RD STREET	280	65
1200-A	3RD STREET	290	65
132-A	4TH STREET	290	40
132-A	4TH STREET	290	40
204	5TH STREET	290	40
202-A	5TH STREET	630	40
191	6TH ST	290	40
191	6TH ST	270	40
936	ALMONDWOOD DRIVE	420	32
984	CANDLEWOOD CIRCLE	180	32
211-A	CLAUS ROAD	1,170	45
336-A	CLEARWATER WAY	430	32
1047-A	CROSSROADS DRIVE	450	32
1155	De LEON WAY	545	32
1094	FERN CT	520	40
363	GOLDSTONE WAY	980	32
361-A	HIGH MESA WAY	475	32
330-A	HOT SPRINGS LANE	670	32
1014-A	HOWARD AVENUE	1,950	35
994-A	KAREN ALANE WAY	500	32
1053-A	KASPER DRIVE	700	32
998	KENNETH CHARLES CT	215	32
294-A/295-A	KENTUCKY AVE	2,590	35
917	LINDBROOK DRIVE	1,250	30
1055-A	McALLISTER LANE	1,050	32
1051-A	McCAFFREY LANE	540	32
1058	McDEVITT DRIVE	275	32
916	NEWBROOK	270	35
319-A	PATTERSON ROAD	1,360	40
338-A	RED ROCK LANE	390	32
136	RIVERSIDE DRIVE	540	30
343	ROCK CREEK ROAD	270	32
334	ROCKYPOINT WAY	390	32
332-A	SANDY RIDGE DRIVE	390	32
518-A	SIERRA STREET	1,300	40
345-A	SILVEROCK ROAD	2,050	32
1096-A	SOARES DRIVE	610	35
353-A	SOUTHGATE DRIVE	450	32
996	STANLEY ALLEN CT	300	32
1221-A	TOPEKA STREET	850	58
260	VIRGINIA AVE	605	35
952-A	WARD AVENUE	1,400	38
1059	WOODARD WAY	260	32
TOTAL		28,975	



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SCALE	N/A
DRAWN BY	NWP
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SHEET	8 OF 9

STREET INDEX - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA

Cape Seal					
Section ID	Street Name	G&K-Length	G&K-Width	G&K-Area (ft ²)	G&K-Area (yd ²)
1184-A/1188-A	BRIARCLIFF DRIVE	3,090	35	110,550	12,283
140-A	BURNEYVILLE ROAD	500	35	17,830	1,981
1165	BURNING TREE COURT	390	35	19,990	2,221
1183	DUNBAR LANE	850	35	42,500	4,722
474-A	OAKDALE ROAD	1,470	77	110,580	12,287
317-A	PATTERSON ROAD	690	50	32,910	3,657
1160-A	PRESTWICK DRIVE	1,180	35	44,000	4,889
1191-A/1194-A/1197-A	RIVER COVE DRIVE	4,000	35	151,220	16,802
1163	ROYAL LINKS DRIVE	600	35	20,110	2,234
1173	SPANISH BAY COURT	390	35	17,300	1,922
1181	TURNBERRY LANE	950	35	32,100	3,567
TOTAL		14,110		599,090	66,566



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 (209) 847-8726 Fax (209) 847-7323
 Auburn • San Jose • Oakdale

SCALE	N/A
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	18148
SHEET	9 OF 9

STREET INDEX - 2018
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.E

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 11, 2018
Subject:	Acceptance of the Wastewater Treatment Plant Entrance Road Improvement Project Conducted by Garrett Thompson Construction, Inc. at a Total within Budget Cost of \$87,190.00 and Authorization to File a Notice of Completion
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the WWTP Entrance Road Improvement Project and authorize staff to file a Notice of Completion.

SUMMARY:

Garrett Thompson Construction, Inc. has completed the construction of the WWTP Entrance Road Improvement Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on July 24, 2018 to Garrett Thompson Construction, Inc. in the amount of \$74,720.00. One contract change order was issued for this project in the amount of \$12,470.00.

It is recommended that the Council accept the WWTP Entrance Road Improvement Project as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

The total cost of construction is \$87,190.00. The total project was completed within budget which was covered by the Sewer Fund account number 106-424.000-707.003.

ATTACHMENTS:

1. Notice of Completion
2. Site Map

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATE

CITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367

SPACE ABOVE THIS LINE
FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is City of Riverbank
(Print Full Name)
3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367
(Address, City, State, Zip)
4. The nature of the title of the undersigned is:
☒ Owner in Fee, **or** ☐ Vendee (Buyer) under Contract of Purchase, **or**
☐ Lessee, **or** ☐ Other
If "Other," briefly list or describe appropriate designation or title _____
5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:
Co-owner's Name(s) Co-owner's Complete Address (Number and Street, City, State, Zip)
N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):
Co-owner's Name(s) Co-owner's Complete Address (Number and Street, City, State, Zip)
N/A

7. A work of improvement on the property described below was completed on September 11, 2018
(Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 34809 • NOTICE OF COMPLETION (Civil Code Section 3093) • (Revised 12.03) • © Cowdery's 2005



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8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") Garrett Thompson Construction, Inc.

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

☒ The kind of work done or finished was removal of old asphalt and base rock, grading and the placement of new asphalt and base rock on the access road to the WWTP.
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)

9. The property on which the work of improvement was completed is in the City of Riverbank, County of Stanislaus, State of California, and is described as follows:
WWTP Entrance Road Improvement Project
(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is various roads in Riverbank, CA 95367
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 11th day of September, 2018
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Project Coordinator
(Owner's Typed or Printed Name)

(Owner's Signature)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California

on this 11th day of September, 2018
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Project Coordinator

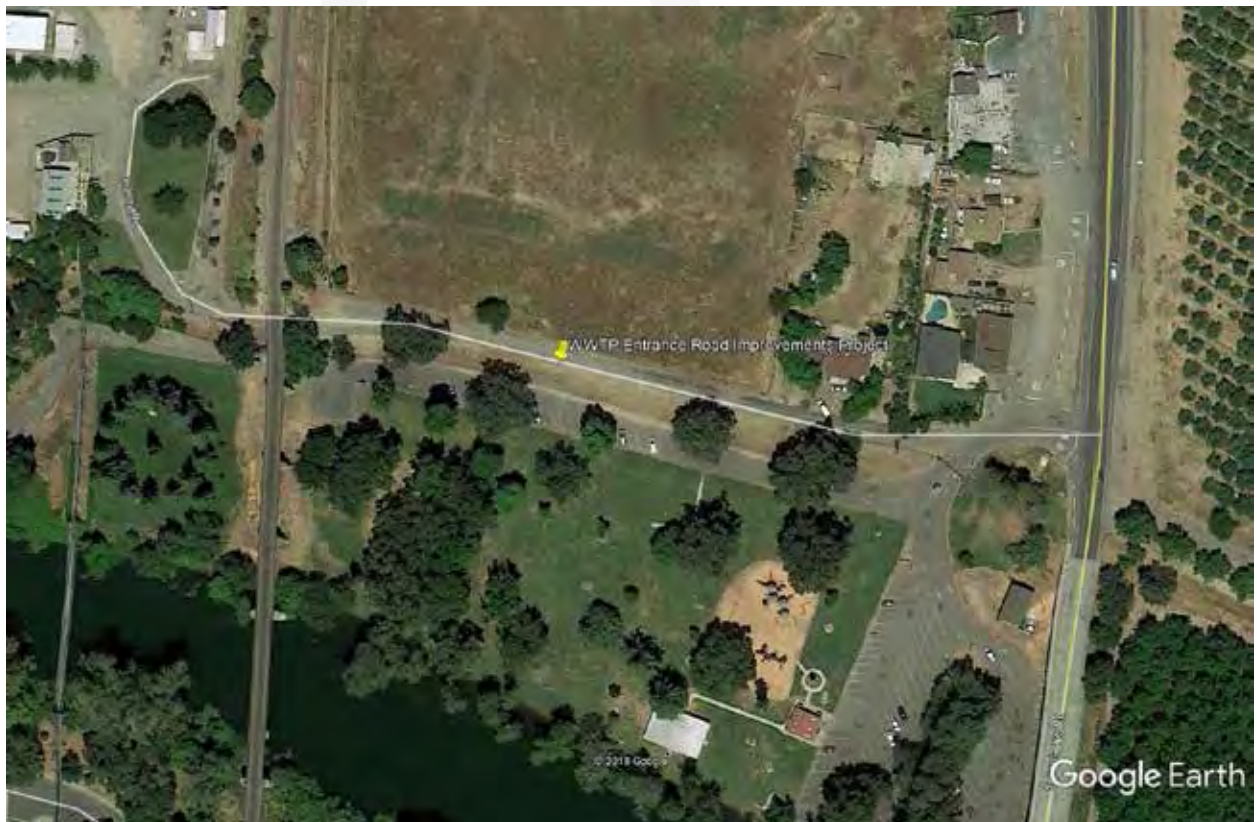
This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

SITE MAP



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date:	March 8, 2016
Subject:	Second Reading by Title Only and Adoption of Proposed Ordinance No. 2018-006 Amending the Downtown Specific Plan: Section 2.3.4 Signage, by Repealing this Section in its Entirety and Substituting it with a New Section 2.3.4 Signage
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2018-006 and consider its adoption by roll call vote.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on August 28, 2018, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. After consideration, the City Council approved the proposed ordinance (now titled Ordinance No. 2018-006) which moved said Ordinance to the September 11, 2018, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

The Planning Commission held a public workshop on June 19, 2018 to discuss and take public comment on increasing advertising opportunities for businesses within the Downtown Specific Plan ("DTSP"). Staff was directed to return with draft language for their consideration and recommendation to the City Council. At their regular meeting of July 17, 2018 the Planning Commission, with a vote of 5-0 recommended permitting each downtown business to have one (1) off-site directional A-frame sign within certain blocks of Atchison Street or Patterson Road with property owner permission. In addition, language was recommended for the permitting of electronic City signage to be located on SR 108 between the east end of Atchison Street and the south end of Callander Avenue.

BACKGROUND AND ANALYSIS

The Downtown Specific Plan's Section 2.3.4 SIGNAGE provides regulations for commercial signage in the downtown separate from the Municipal Code which regulates the rest of the City. Downtown parcels with commercial zoning tend to be smaller in size than those in shopping centers, providing business owners with less space to install signage. Downtown businesses have been asking the City for additional advertising opportunities so a workshop with the Planning Commission was held. The City can regulate the number, type, and location of signs a business can have but it cannot regulate a sign's content (such as a logo with a wine glass, a gun, a tattoo, a cannabis leaf, a slice of pizza, etc).

Currently, each downtown business can have two (2) feet of total sign area per linear foot of building frontage, distributed among permitted sign types. A typical 25 foot-wide building for example, could have 50 square feet of signage divided between a wall sign and a window sign, plus have an on-site A-frame sign not included in the total.

In the Downtown Specific Plan, permitted sign types include:

- Wall signs
- Awning / Canopy signs
- Projected / Blade signs
- Window signs
- Marque signs
- Monument signs
- Free-swing a-frame signs are encouraged as temporary on-site signage
- Animated signs are discouraged unless they blend in with the building architecture

Prohibited signs currently include:

- Pole mounted signs
- Off-site commercial signs on non-contiguous parcels
- Billboards
- Flags and bunting
- Sandwich signs which block pedestrian access
- Human signs (are not permitted so, therefore are prohibited)

In order to amend the DTSP, Section 3.7.5 SPECIFIC PLAN AMENDMENTS states a Specific Plan amendment may be initiated by a developer, property owner, or the City. Specific Plan amendments require review by the Planning Commission and action by the City Council. All requests for a Specific Plan amendment shall include redline/strike-out text (Attachment 2), graphics, and/or other materials suitable to replace or augment the sections being amended.

A PowerPoint was presented to the Planning Commissioners during their public workshop held on June 19, 2018 to illustrate the various sign types permitted and prohibited by the DTSP. Staff was given direction to return with language that would allow on private property, one (1) directional off-site a-frame sign per downtown business to be located on

either SR 108/Atchison Street (between 1st and 4th Streets) or Patterson Road (between 1st and 3rd Streets), subject to any Caltrans or railroad restrictions. These general locations correspond with some of the City's key way finding locations on a map in DTSP Section 3.4.3 WAY FINDING. Relevant locations are:

- Key 1. Signage along Atchison;
- Key 2. Signage at the intersection of First Street and Atchison Street; and
- Key 3. Signage along Patterson Road.

Research was conducted to determine the standard size of an A-frame sign. If ordered online, a standard size was identified as being 48" x 32" x 4" closed. Since these A-frames are to be directional, an arrow should be included on both sides of the sign with the business name and/or logo. All successful businesses - Apple, McDonald's, Nike, Starbucks, Coca Cola, Federal Express, to name a few - promote their brand through the use of a logo (see below). Some creative logos, like Missouri River Kennels, are themselves directional.



During the public workshop in June, staff shared that they are interested in having permanent electronic City signage along SR 108/Atchison Street to advertise community events and businesses on a rotating basis. The Planning Commission discussed their concern – the signage should architecturally match and enhance the historical nature of the downtown - and for that reason, did not support electronic signage in general during the workshop. When staff brought language to the Planning Commission for review and recommendation in July, electronic City signage was included in the amendment because of the support for it by the Development Services and Park and Recreation Departments, with an understanding of the Commission's concerns. After further discussion, the Planning Commission allowed the electronic City signage language to move forward in their approval of Resolution 2018-004 (Attachment 3), recommending the amendment to the City Council.

If the City Council permits electronic City signage within the DTSP, Development Services and Parks and Recreation staff will return to Council in the near future with a turnkey proposal(s) on the location, CEQA analysis, design, advertising policy, budget, and a City Manager authorization request for any draft contract.

GENERAL PLAN

The Specific Plan amendment is consistent with the General Plan in that Policy ED-5.2 states the City will proactively maintain responsiveness to addressing any business

climate shortcomings identified through outreach and communication with local businesses.

ENVIRONMENTAL DETERMINATION

The amendment to the City of Riverbank Downtown Specific Plan is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

FISCAL IMPACT

Businesses could expect increased sales due to the new directional A-frame signage if the recommendation is approved. It is unknown at this time what that increase may be. If land and electricity are provided for a turnkey electronic sign, the City can expect to receive up to 20% of the revenues generated by the advertising on the signage. A fund could be established with those revenues to subsidize economic development activities in the City.

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 (3) years. The approval of the proposed amendment is consistent with the goal of “Expand economic development opportunities for businesses,” including “Identify and recommend to City Council for action incentives to retain commercial properties.” Off-site directional signage is an incentive for downtown commercial properties to possibly increase their sales and remain in business.

PUBLIC NOTICE

The City Council hearing notice was published in the Riverbank News and posted at City Hall North, South, Post Office, Community Center, and website on August 15, 2018.

ATTACHMENTS

Attachment 1 – Proposed Ordinance No. 2018-006

Attachment 2 – Proposed Ordinance No. 2018-006 – redline

Attachment 3 – Planning Commission Resolution 2018-004 with Exhibit A

CITY OF RIVERBANK

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE DOWNTOWN SPECIFIC PLAN: SECTION 2.3.4 SIGNAGE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING IT WITH NEW SECTION 2.3.4 SIGNAGE, TO THE DOWNTOWN SPECIFIC PLAN

WHEREAS, on June 19, 2018, the Planning Commission held a public workshop to discuss and take public comment on Section 2.3.4 Signage of the Downtown Specific Plan; and

WHEREAS, on June 6, 2018, notice of the Planning Commission public workshop was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on July 17, 2018, to consider an amendment to the City of Riverbank Downtown Specific Plan to regulate signage in the downtown; and

WHEREAS, on July 4, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the proposed Specific Plan amendment complies with the General Plan in that Policy ED-5.2 states the City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication with local businesses; and

WHEREAS, the amendment to the City of Riverbank Downtown Specific Plan is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of signage in the Downtown Specific Plan is consistent with the goals, policies, programs, and uses of the General Plan.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS (Please note that Section 2.3.4's existing photos, which are not currently shown in this document, will appear unmodified in the published document. They are not

under review for change. In addition, the Permitted Sign Types chart below will also appear in its existing colors in the final version of the document):

SECTION 1:

2.3.4 S I G N A G E

Purpose and Intent

This section contains standards and guidelines to control the location, type, and size of signage throughout the Downtown Specific Plan.

Applicability

New development that chooses to adorn their building or buildings with signage, whether to attract customers or to welcome home its residents, is required to follow the standards for permitted sign types contained within this section. Guidelines in this section suggest additional qualities that will help to shape the future look of Downtown as it continues to grow.

Overview

Signs in the Downtown Specific Plan shall embrace the qualities of scale and materials that are supportive of Riverbank's small-town character. Permanent signs throughout the Downtown are limited to types that are incorporated into building architecture or are affixed to buildings and/or the landscape.

Permitted Sign Types

DTSP Zones	Downtown Core	Downtown General	Mixed-Use Neighborhood	Highway Boulevard	Downtown Neighborhood	Cannery District
Sign Types						
A. Wall	permitted	permitted	permitted	permitted	---	permitted
B. Awning/Canopy	permitted	permitted	permitted	permitted	---	permitted
C. Projected/Blade	permitted	permitted	permitted	permitted	---	permitted
D. Window	permitted	permitted	permitted	permitted	---	permitted
E. Marquee	permitted	permitted	---	permitted	---	permitted
F. Monument	---	---	---	permitted	---	conditional
G. Electronic (City)	permitted	---	---	permitted	---	permitted

Prohibited Sign Types

Any sign type not expressly permitted by this Code shall be prohibited. Examples of prohibited sign types include but are not limited to the following:

- Pole mounted signs.
- Signs referring to off-site commercial uses on non-contiguous parcels except as allowed elsewhere in this Chapter.
- Billboards.
- Flags & Bunting.
- Sandwich boards which block pedestrian access to public sidewalks and thoroughfares.

General Standards and Guidelines for all Types

1. For each establishment, 2 feet of total sign area is allowed per lineal foot of building frontage, distributed among permitted sign types.
2. Signs shall be located to coordinate with building architecture. Signs should be coordinated with architectural features, and shall not obscure or interfere with them.
3. Animated signs are discouraged. Electronic displays, blinking, flashing, or otherwise motioning signs should be designed in consideration of Riverbank's small-town character.
4. Signs shall promote the aesthetic of the envisioned Downtown Specific Plan. Signs shall in no way detract from the attractiveness of the Downtown as a place to live, work, and shop.
5. No permanent or temporary sign shall project above the roof lines or cornice or parapet lines of a building, except when the sign is an integral feature of the building such as a marquee sign.
6. Community directory signs such as public information signs shall not be deducted from the sign allotment of the private property on which it is located.
7. Temporary construction signs are limited to a maximum size of 16 square feet. No off-site construction signage is permitted. Such sign shall be removed 30 days after construction has been completed.

Content

1. Content may identify, advertise, or attract attention only to a business, product, service, event, or activity located on the premises.
2. Permanent signs should not include price information or phone numbers (except electronic city signs).

Materials and Colors

1. Materials should be consistent with building architecture and may include wood, metal, glass, and ceramic.
2. Synthetic materials including plastics and acrylics should be discouraged and only used if they are designed to a high level of quality and craft.
3. Each permanent sign shall be constructed using durable materials and shall be structurally secured to the building by direct attachment to a rigid wall, frame, or structural element.
4. Colors should relate to and contribute to overall building design and aesthetic. A simple palette of colors that creates attractive contrast between letters and background or graphics and borders is preferred.
5. Fluorescent colors are strongly discouraged.
6. Cabinet signs shall be discouraged.

Lighting

1. Lighting of signs should be considered an element of overall building and site design and presents an opportunity to heighten overall district character.
2. Signs should be illuminated directly from external lighting sources located immediately adjacent to the sign. Preferred methods include direct spot lighting, front lighting from above or below, and backlighting letter volumes to project a shadow or halo on a backing surface.

3. Lighting shall not cause glare on surrounding rights-of-way, properties, or adjacent structures.
4. Individual letters should be back-lit using low-level lighting that does not cause glare or cast light on other building elements, or shall be internally illuminated.
5. Recommended light sources include compact fluorescent, LED, neon gas signs, low wattage incandescent, and other energy-efficient modes.
6. High-pressure sodium, low pressure sodium, and tube fluorescent lighting is strongly discouraged.

Temporary Signs

A temporary sign includes any impermanent sign or banner advertising a business promotion, grand opening, sale, or community event. Only one temporary sign per business is permitted and shall be removed no longer than 30 days after the first day of the event.

Display Boards, Menu Boards, and Sidewalk Signs

Temporary signs including menu display boards and other pedestrian-oriented signs are encouraged for commercial uses throughout the Downtown Specific Plan Area. Signs shall be constructed with a heavy base and durable materials and should incorporate a free-swinging message board placed within an open designed, non- rectangular frame. Signs shall be located so that they do not interfere with pedestrians or sight distance requirements.

One (1) temporary on-site sign such as a display board, menu board, or sidewalk sign is permitted in front of each downtown business. Each downtown business is allowed one (1) directional a-frame sign (no larger than 48" x 32" x 4" closed) to be located on private property (with that property owner's permission) on either Highway 108/Atchison Street (between 1st and 4th Streets) or Patterson Road (between 1st and 3rd Streets), subject to any Caltrans or railroad restrictions. The directional sign may include the business name and/or logo and one (1) arrow on each side.

2.3.4.A WALL SIGNS

Located on and parallel to a building wall.

Standards

1. Maximum of 1 wall sign is permitted per business.
2. Maximum individual sign area is 1 square foot per 1 linear foot of primary business frontage.
3. One additional wall sign such as masonry or bronze plaque bearing an owner's or building's name is permitted in the building's cornice or parapet wall or under the eaves, not to exceed 8 square feet.
4. Maximum height of sign shall be 48 inches.
5. Letters should be 3 dimensional, created by raised letter forms mounted to the building's facade or sign panel. Maximum height of letters shall be 18 inches.
6. Signs shall be mounted a minimum of 2 feet below parapet or eave line.

Guidelines

1. Preferred locations for ground-floor uses include sign bands and architectural features within shop front architecture, above first floor windows, and between upper story windows.
2. Upper story uses may locate signs on walls centered between upper story windows.

2.3.4.B AWNING & CANOPY SIGNS

Standards

1. Maximum of 1 sign is permitted per awning
2. Maximum sign area is 50% of awning valence area.
3. Maximum height of letters on valence is 18" or 2/3 of valence height, whichever is smaller.

Guidelines

1. Signs may be painted directly on the awning or attached. Letters may also be "punched" into or cut out of metal awnings.
2. Awnings should be illuminated using external lighting sources.
3. Colors of letters and graphics should complement building architecture yet provide contrast to be visible and attractive.

2.3.4.C PROJECTED & BLADE SIGNS

Standards

1. Maximum of 1 sign is permitted per business frontage.
2. Maximum sign area is 8 square feet.
3. Signs must remain minimum 8 foot clear above the sidewalk.
4. Signs shall be mounted using durable structural elements.

Guidelines

1. Signs should be made of wood, metal, or other architecturally compatible material.
2. Signs should be consistent with overall character of building architecture.
3. Signs should be illuminated using external lighting sources.

2.3.4.D WINDOW SIGNS

Standards

1. Maximum of 1 sign is permitted per business window.
2. Maximum sign area shall be 25% of window area.
3. Maximum letter height is 18 inches.
4. Letters may be painted on windows or signs may be suspended behind or appended to the interior of windows.

Guidelines

1. Exposed neon tube illumination should be limited to a single color.
2. The combination of all window signs, including both primary and temporary window signs should not cover more than 25 percent of the total window area.

3. Window signs should present a neat and aligned appearance.
4. Adhesive “stick-on” letters should not be used.
5. Signs identifying hours of operation, menus, newspaper reviews and other customer information should be framed, board-mounted, or laminated for a finished appearance. Subtle window sign lettering complements Window and door signs designed to be building style.

2.3.4.E MARQUEE SIGNS

Standards

1. Marquee sign is limited to Theater, Playhouse, or similar Civic/Cultural Use.
2. Maximum of 1 sign is permitted per business.
3. Signs shall project a maximum of 12 feet from the façade of the building.
4. Signs must maintain a minimum 8 foot clear area above the sidewalk.

Guidelines

1. Signs should be consistent with overall character of building architecture.
2. Signs should be illuminated using external bulbs, exposed neon tubes, internal, or external lighting.

2.3.4.F MONUMENT SIGNS

A free standing sign resting on the ground (not pole mounted) used to announce an address, building name, or name of business.

Standards

1. Maximum of 1 sign is permitted for each building.
2. Maximum permitted height of letters on monument is 18 inches.
3. Signs shall be constructed with a base treatment and a cap treatment.
4. Monument shall not exceed 6 feet in length and 5 feet in height. Maximum sign area occupied by text shall be 24 square feet.
5. Signs shall be located to allow sufficient sight distances at all intersections and driveways and to maintain adequate visibility for pedestrians, vehicles, and bicycles.

Guidelines

1. Monuments signs should be constructed of materials and style similar to that of primary building architecture. Recommended materials include masonry, wood, stucco, brick and pre-cast concrete.
2. Monument signs should be illuminated from external light sources only.
3. Colors of letters and graphics should complement building architecture yet provide contrast to be visible and attractive.

§ SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion 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: This Ordinance shall become effective thirty (30) days from and after its final passage September 11, 2018, provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on August 28, 2018. 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 11th day of September; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ 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

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE DOWNTOWN SPECIFIC PLAN: SECTION 2.3.4 SIGNAGE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING IT WITH NEW SECTION 2.3.4 SIGNAGE, TO THE DOWNTOWN SPECIFIC PLAN

WHEREAS, on June 19, 2018, the Planning Commission held a public workshop to discuss and take public comment on Section 2.3.4 Signage of the Downtown Specific Plan; and

WHEREAS, on June 6, 2018, notice of the Planning Commission public workshop was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on July 17, 2018, to consider an amendment to the City of Riverbank Downtown Specific Plan to regulate signage in the downtown; and

WHEREAS, on July 4, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the proposed Specific Plan amendment complies with the General Plan in that Policy ED-5.2 states the City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication with local businesses; and

WHEREAS, the amendment to the City of Riverbank Downtown Specific Plan is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of signage in the Downtown Specific Plan is consistent with the goals, policies, programs, and uses of the General Plan.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS (Please note that Section 2.3.4's existing photos, which are not currently shown in this document, will appear unmodified in the final document. They are not under

review for change. In addition, the Permitted Sign Types chart below will also appear in its existing colors in the final version of the document):

SECTION 1:

2.3.4 S I G N A G E

Purpose and Intent

This section contains standards and guidelines to control the location, type, and size of signage throughout the Downtown Specific Plan.

Applicability

New development that chooses to adorn their building or buildings with signage, whether to attract customers or to welcome home its residents, is required to follow the standards for permitted sign types contained within this section. Guidelines in this section suggest additional qualities that will help to shape the future look of Downtown as it continues to grow.

Overview

Signs in the Downtown Specific Plan shall embrace the qualities of scale and materials that are supportive of Riverbank's small-town character. Permanent signs throughout the Downtown are limited to types that are incorporated into building architecture or are affixed to buildings and/or the landscape.

Permitted Sign Types

DTSP Zones	Downtown Core	Downtown General	Mixed-Use Neighborhood	Highway Boulevard	Downtown Neighborhood	Cannery District
Sign Types						
A. Wall	permitted	permitted	permitted	permitted	---	permitted
B. Awning/Canopy	permitted	permitted	permitted	permitted	---	permitted
C. Projected/Blade	permitted	permitted	permitted	permitted	---	permitted
D. Window	permitted	permitted	permitted	permitted	---	permitted
E. Marquee	permitted	permitted	---	permitted	---	permitted
F. Monument	---	---	---	permitted	---	conditional
<u>G. Electronic (City)</u>	<u>permitted</u>	<u>---</u>	<u>---</u>	<u>permitted</u>	<u>---</u>	<u>permitted</u>

Prohibited Sign Types

Any sign type not expressly permitted by this Code shall be prohibited. Examples of prohibited sign types include but are not limited to the following:

- Pole mounted signs.
- Signs referring to off-site commercial uses on non-contiguous parcels except as allowed elsewhere in this Chapter.
- Billboards.
- Flags & Bunting.
- Sandwich boards which block pedestrian access to public sidewalks and thoroughfares.

General Standards and Guidelines for all Types

1. For each establishment, 2 feet of total sign area is allowed per lineal foot of building frontage, distributed among permitted sign types.
2. Signs shall be located to coordinate with building architecture. Signs should be coordinated with architectural features, and shall not obscure or interfere with them.
3. Animated signs are discouraged. Electronic displays, blinking, flashing, or otherwise motioning signs should be designed in consideration of Riverbank's small-town character.
4. Signs shall promote the aesthetic of the envisioned Downtown Specific Plan. Signs shall in no way detract from the attractiveness of the Downtown as a place to live, work, and shop.
5. No permanent or temporary sign shall project above the roof lines or cornice or parapet lines of a building, except when the sign is an integral feature of the building such as a marquee sign.
6. Community directory signs such as public information signs shall not be deducted from the sign allotment of the private property on which it is located.
7. Temporary construction signs are limited to a maximum size of 16 square feet. No off-site construction signage is permitted. Such sign shall be removed 30 days after construction has been completed.

Content

1. Content may identify, advertise, or attract attention only to a business, product, service, event, or activity located on the premises.
2. Permanent signs should not include price information or phone numbers (except electronic city signs).

Materials and Colors

1. Materials should be consistent with building architecture and may include wood, metal, glass, and ceramic.
2. Synthetic materials including plastics and acrylics should be discouraged and only used if they are designed to a high level of quality and craft.
3. Each permanent sign shall be constructed using durable materials and shall be structurally secured to the building by direct attachment to a rigid wall, frame, or structural element.
4. Colors should relate to and contribute to overall building design and aesthetic. A simple palette of colors that creates attractive contrast between letters and background or graphics and borders is preferred.
5. Fluorescent colors are strongly discouraged.
6. Cabinet signs shall be discouraged.

Lighting

1. Lighting of signs should be considered an element of overall building and site design and presents an opportunity to heighten overall district character.
2. Signs should be illuminated directly from external lighting sources located immediately adjacent to the sign. Preferred methods include direct spot lighting, front

lighting from above or below, and backlighting letter volumes to project a shadow or halo on a backing surface.

3. Lighting shall not cause glare on surrounding rights-of-way, properties, or adjacent structures.

4. Individual letters should be back-lit using low-level lighting that does not cause glare or cast light on other building elements, or shall be internally illuminated.

5. Recommended light sources include compact fluorescent, LED, neon gas signs, low wattage incandescent, and other energy-efficient modes.

6. High-pressure sodium, low pressure sodium, and tube fluorescent lighting is strongly discouraged.

Temporary Signs

A temporary sign includes any impermanent sign or banner advertising a business promotion, grand opening, sale, or community event. Only one temporary sign per business is permitted and shall be removed no longer than 30 days after the first day of the event.

Display Boards, Menu Boards, and Sidewalk Signs

Temporary signs including menu display boards and other pedestrian-oriented signs are encouraged for commercial uses throughout the Downtown Specific Plan Area. Signs shall be constructed with a heavy base and durable materials and should incorporate a free-swinging message board placed within an open designed, non- rectangular frame. Signs shall be located so that they do not interfere with pedestrians or sight distance requirements.

One (1) temporary on-site sign such as a display board, menu board, or sidewalk sign is permitted in front of each downtown business. Each downtown business is allowed one (1) directional a-frame sign (no larger than 48" x 32" x 4" closed) to be located on private property (with that property owner's permission) on either Highway 108/Atchison Street (between 1st and 4th Streets) or Patterson Road (between 1st and 3rd Streets), subject to any Caltrans or railroad restrictions. The directional sign may include the business name and/or logo and one (1) arrow on each side.

2.3.4.A WALL SIGNS

Located on and parallel to a building wall.

Standards

1. Maximum of 1 wall sign is permitted per business.

2. Maximum individual sign area is 1 square foot per 1 linear foot of primary business frontage.

3. One additional wall sign such as masonry or bronze plaque bearing an owner's or building's name is permitted in the building's cornice or parapet wall or under the eaves, not to exceed 8 square feet.

4. Maximum height of sign shall be 48 inches.

5. Letters should be 3 dimensional, created by raised letter forms mounted to the building's facade or sign panel. Maximum height of letters shall be 18 inches.

6. Signs shall be mounted a minimum of 2 feet below parapet or eave line.

Guidelines

1. Preferred locations for ground-floor uses include sign bands and architectural features within shop front architecture, above first floor windows, and between upper story windows.
2. Upper story uses may locate signs on walls centered between upper story windows.

2.3.4.B AWNING & CANOPY SIGNS

Standards

1. Maximum of 1 sign is permitted per awning
2. Maximum sign area is 50% of awning valence area.
3. Maximum height of letters on valence is 18" or 2/3 of valence height, whichever is smaller.

Guidelines

1. Signs may be painted directly on the awning or attached. Letters may also be "punched" into or cut out of metal awnings.
2. Awnings should be illuminated using external lighting sources.
3. Colors of letters and graphics should complement building architecture yet provide contrast to be visible and attractive.

2.3.4.C PROJECTED & BLADE SIGNS

Standards

1. Maximum of 1 sign is permitted per business frontage.
2. Maximum sign area is 8 square feet.
3. Signs must remain minimum 8 foot clear above the sidewalk.
4. Signs shall be mounted using durable structural elements.

Guidelines

1. Signs should be made of wood, metal, or other architecturally compatible material.
2. Signs should be consistent with overall character of building architecture.
3. Signs should be illuminated using external lighting sources.

2.3.4.D WINDOW SIGNS

Standards

1. Maximum of 1 sign is permitted per business window.
2. Maximum sign area shall be 25% of window area.
3. Maximum letter height is 18 inches.
4. Letters may be painted on windows or signs may be suspended behind or appended to the interior of windows.

Guidelines

1. Exposed neon tube illumination should be limited to a single color.
2. The combination of all window signs, including both primary and temporary window signs should not cover more than 25 percent of the total window area.
3. Window signs should present a neat and aligned appearance.
4. Adhesive “stick-on” letters should not be used.
5. Signs identifying hours of operation, menus, newspaper reviews and other customer information should be framed, board-mounted, or laminated for a finished appearance. Subtle window sign lettering complements Window and door signs designed to be building style.

2.3.4.E MARQUEE SIGNS

Standards

1. Marquee sign is limited to Theater, Playhouse, or similar Civic/Cultural Use.
2. Maximum of 1 sign is permitted per business.
3. Signs shall project a maximum of 12 feet from the façade of the building.
4. Signs must maintain a minimum 8 foot clear area above the sidewalk.

Guidelines

1. Signs should be consistent with overall character of building architecture.
2. Signs should be illuminated using external bulbs, exposed neon tubes, internal, or external lighting.

2.3.4.F MONUMENT SIGNS

A free standing sign resting on the ground (not pole mounted) used to announce an address, building name, or name of business.

Standards

1. Maximum of 1 sign is permitted for each building.
2. Maximum permitted height of letters on monument is 18 inches.
3. Signs shall be constructed with a base treatment and a cap treatment.
4. Monument shall not exceed 6 feet in length and 5 feet in height. Maximum sign area occupied by text shall be 24 square feet.
5. Signs shall be located to allow sufficient sight distances at all intersections and driveways and to maintain adequate visibility for pedestrians, vehicles, and bicycles.

Guidelines

1. Monuments signs should be constructed of materials and style similar to that of primary building architecture. Recommended materials include masonry, wood, stucco, brick and pre-cast concrete.
2. Monument signs should be illuminated from external light sources only.
3. Colors of letters and graphics should complement building architecture yet provide contrast to be visible and attractive.

**City of Riverbank
Planning Commission
Resolution No. 2018-004**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE
AMENDING THE DOWNTOWN SPECIFIC PLAN, BY REPEALING SECTION 2.3.4
SIGNAGE AND ADDING A NEW SECTION 2.3.4 SIGNAGE.**

WHEREAS, on June 19, 2018, the Planning Commission held a public workshop to discuss and take public comment on Section 2.3.4 Signage of the Downtown Specific Plan; and

WHEREAS, on June 6, 2018, notice of the Planning Commission public workshop was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on July 17, 2018, to consider an amendment to the City of Riverbank Downtown Specific Plan to regulate signage in the downtown; and

WHEREAS, on July 4, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the proposed Specific Plan amendment complies with the General Plan in that Policy ED-5.2 states the City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication with local businesses; and

WHEREAS, the amendment to the City of Riverbank Downtown Specific Plan is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of signage in the Downtown Specific Plan is consistent with the goals, policies, programs, and uses of the General Plan.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2018-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th of July 2018, by the following vote 5-0:

AYES: Planning Commissioners: Dinan, Ball, Stewart, Hughes and Fenrich

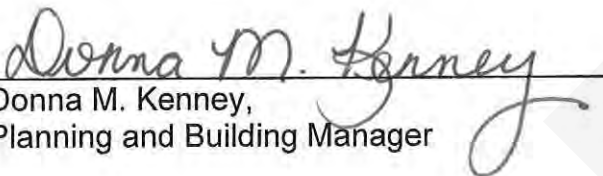
NOES: None

ABSENT: None

ABSTAIN: None

Attest:

Approved:


Donna M. Kenney,
Planning and Building Manager


John Dinan, Chairperson
Planning Commission

EXHIBIT A

**THE CITY COUNCIL
OF THE CITY OF RIVERBANK
ORDINANCE NO. 2018-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING THE DOWNTOWN SPECIFIC PLAN: SECTION 2.3.4
SIGNAGE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING
IT WITH NEW SECTION 2.3.4 SIGNAGE, TO THE DOWNTOWN SPECIFIC PLAN**

WHEREAS, on June 19, 2018, the Planning Commission held a public workshop to discuss and take public comment on Section 2.3.4 Signage of the Downtown Specific Plan; and

WHEREAS, on June 6, 2018, notice of the Planning Commission public workshop was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on July 17, 2018, to consider an amendment to the City of Riverbank Downtown Specific Plan to regulate signage in the downtown; and

WHEREAS, on July 4, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the proposed Specific Plan amendment complies with the General Plan in that Policy ED-5.2 states the City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication with local businesses; and

WHEREAS, the amendment to the City of Riverbank Downtown Specific Plan is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of signage in the Downtown Specific Plan is consistent with the goals, policies, programs, and uses of the General Plan.

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

SECTION 1:

2.3.4 S I G N A G E

Purpose and Intent

This section contains standards and guidelines to control the location, type, and size of signage throughout the Downtown Specific Plan.

Applicability

New development that chooses to adorn their building or buildings with signage, whether to attract customers or to welcome home its residents, is required to follow the standards for permitted sign types contained within this section. Guidelines in this section suggest additional qualities that will help to shape the future look of Downtown as it continues to grow.

Overview

Signs in the Downtown Specific Plan shall embrace the qualities of scale and materials that are supportive of Riverbank's small-town character. Permanent signs throughout the Downtown are limited to types that are incorporated into building architecture or are affixed to buildings and/or the landscape.

Permitted Sign Types

DTSP Zones	Downtown Core	Downtown General	Mixed-Use Neighborhood	Highway Boulevard	Downtown Neighborhood	Cannery District
Sign Types						
A. Wall	permitted	permitted	permitted	permitted	---	permitted
B. Awning/Canopy	permitted	permitted	permitted	permitted	---	permitted
C. Projected/Blade	permitted	permitted	permitted	permitted	---	permitted
D. Window	permitted	permitted	permitted	permitted	---	permitted
E. Marquee	permitted	permitted	---	permitted	---	permitted
F. Monument	---	---	---	permitted	---	conditional
G. Electronic (City)	permitted	---	---	permitted	---	permitted

Prohibited Sign Types

Any sign type not expressly permitted by this Code shall be prohibited. Examples of prohibited sign types include but are not limited to the following:

- Pole mounted signs.
- Signs referring to off-site commercial uses on non-contiguous parcels.
- Billboards.
- Flags & Bunting.
- Sandwich boards which block pedestrian access to public sidewalks and thoroughfares.

General Standards and Guidelines for all Types

1. For each establishment, 2 feet of total sign area is allowed per lineal foot of building frontage, distributed among permitted sign types.
2. Signs shall be located to coordinate with building architecture. Signs should be coordinated with architectural features, and shall not obscure or interfere with them.
3. Animated signs are discouraged. Electronic displays, blinking, flashing, or otherwise motioning signs should be designed in consideration of Riverbank's small-town character.
4. Signs shall promote the aesthetic of the envisioned Downtown Specific Plan. Signs shall in no way detract from the attractiveness of the Downtown as a place to live, work, and shop.
5. No permanent or temporary sign shall project above the roof lines or cornice or parapet lines of a building, except when the sign is an integral feature of the building such as a marquee sign.
6. Community directory signs such as public information signs shall not be deducted from the sign allotment of the private property on which it is located.
7. Temporary construction signs are limited to a maximum size of 16 square feet. No off-site construction signage is permitted. Such sign shall be removed 30 days after construction has been completed.

Content

1. Content may identify, advertise, or attract attention only to a business, product, service, event, or activity located on the premises.
2. Permanent signs should not include price information or phone numbers (except electronic city signs).

Materials and Colors

1. Materials should be consistent with building architecture and may include wood, metal, glass, and ceramic.
2. Synthetic materials including plastics and acrylics should be discouraged and only used if they are designed to a high level of quality and craft.
3. Each permanent sign shall be constructed using durable materials and shall be structurally secured to the building by direct attachment to a rigid wall, frame, or structural element.
4. Colors should relate to and contribute to overall building design and aesthetic. A simple palette of colors that creates attractive contrast between letters and background or graphics and borders is preferred.
5. Fluorescent colors are strongly discouraged.
6. Cabinet signs shall be discouraged.

Lighting

1. Lighting of signs should be considered an element of overall building and site design and presents an opportunity to heighten overall district character.
2. Signs should be illuminated directly from external lighting sources located immediately adjacent to the sign. Preferred methods include direct spot lighting, front

lighting from above or below, and backlighting letter volumes to project a shadow or halo on a backing surface.

3. Lighting shall not cause glare on surrounding rights-of-way, properties, or adjacent structures.

4. Individual letters should be back-lit using low-level lighting that does not cause glare or cast light on other building elements, or shall be internally illuminated.

5. Recommended light sources include compact fluorescent, LED, neon gas signs, low wattage incandescent, and other energy-efficient modes.

6. High-pressure sodium, low pressure sodium, and tube fluorescent lighting is strongly discouraged.

Temporary Signs

A temporary sign includes any impermanent sign or banner advertising a business promotion, grand opening, sale, or community event. Only one temporary sign per business is permitted and shall be removed no longer than 30 days after the first day of the event.

Display Boards, Menu Boards, and Sidewalk Signs

Temporary signs including menu display boards and other pedestrian-oriented signs are encouraged for commercial uses throughout the Downtown Specific Plan Area. Signs shall be constructed with a heavy base and durable materials and should incorporate a free-swinging message board placed within an open designed, non- rectangular frame. Signs shall be located so that they do not interfere with pedestrians or sight distance requirements.

One (1) temporary on-site sign such as a display board, menu board, or sidewalk sign is permitted in front of each downtown business. Each downtown business is allowed one (1) directional a-frame sign (no larger than 48" x 32" x 4" closed) to be located on private property (with that property owner's permission) on either Highway 108/Atchison Street (between 1st and 4th Streets) or Patterson Road (between 1st and 3rd Streets), subject to any Caltrans or railroad restrictions. The directional sign may include the business name and/or logo and one (1) arrow on each side.

2.3.4.A WALL SIGNS

Located on and parallel to a building wall.

Standards

1. Maximum of 1 wall sign is permitted per business.

2. Maximum individual sign area is 1 square foot per 1 linear foot of primary business frontage.

3. One additional wall sign such as masonry or bronze plaque bearing an owner's or building's name is permitted in the building's cornice or parapet wall or under the eaves, not to exceed 8 square feet.

4. Maximum height of sign shall be 48 inches.

5. Letters should be 3 dimensional, created by raised letter forms mounted to the building's facade or sign panel. Maximum height of letters shall be 18 inches.

6. Signs shall be mounted a minimum of 2 feet below parapet or eave line.

Guidelines

1. Preferred locations for ground-floor uses include sign bands and architectural features within shop front architecture, above first floor windows, and between upper story windows.
2. Upper story uses may locate signs on walls centered between upper story windows.

2.3.4.B AWNING & CANOPY SIGNS

Standards

1. Maximum of 1 sign is permitted per awning
2. Maximum sign area is 50% of awning valence area.
3. Maximum height of letters on valence is 18" or 2/3 of valence height, whichever is smaller.

Guidelines

1. Signs may be painted directly on the awning or attached. Letters may also be "punched" into or cut out of metal awnings.
2. Awnings should be illuminated using external lighting sources.
3. Colors of letters and graphics should complement building architecture yet provide contrast to be visible and attractive.

2.3.4.C PROJECTED & BLADE SIGNS

Standards

1. Maximum of 1 sign is permitted per business frontage.
2. Maximum sign area is 8 square feet.
3. Signs must remain minimum 8 foot clear above the sidewalk.
4. Signs shall be mounted using durable structural elements.

Guidelines

1. Signs should be made of wood, metal, or other architecturally compatible material.
2. Signs should be consistent with overall character of building architecture.
3. Signs should be illuminated using external lighting sources.

2.3.4.D WINDOW SIGNS

Standards

1. Maximum of 1 sign is permitted per business window.
2. Maximum sign area shall be 25% of window area.
3. Maximum letter height is 18 inches.
4. Letters may be painted on windows or signs may be suspended behind or appended to the interior of windows.

Guidelines

1. Exposed neon tube illumination should be limited to a single color.
2. The combination of all window signs, including both primary and temporary window signs should not cover more than 25 percent of the total window area.
3. Window signs should present a neat and aligned appearance.
4. Adhesive "stick-on" letters should not be used.
5. Signs identifying hours of operation, menus, newspaper reviews and other customer information should be framed, board-mounted, or laminated for a finished appearance. Subtle window sign lettering complements Window and door signs designed to be building style.

2.3.4.E MARQUEE SIGNS

Standards

1. Marquee sign is limited to Theater, Playhouse, or similar Civic/Cultural Use.
2. Maximum of 1 sign is permitted per business.
3. Signs shall project a maximum of 12 feet from the façade of the building.
4. Signs must maintain a minimum 8 foot clear area above the sidewalk.

Guidelines

1. Signs should be consistent with overall character of building architecture.
2. Signs should be illuminated using external bulbs, exposed neon tubes, internal, or external lighting.

2.3.4.F MONUMENT SIGNS

A free standing sign resting on the ground (not pole mounted) used to announce an address, building name, or name of business.

Standards

1. Maximum of 1 sign is permitted for each building.
2. Maximum permitted height of letters on monument is 18 inches.
3. Signs shall be constructed with a base treatment and a cap treatment.
4. Monument shall not exceed 6 feet in length and 5 feet in height. Maximum sign area occupied by text shall be 24 square feet.
5. Signs shall be located to allow sufficient sight distances at all intersections and driveways and to maintain adequate visibility for pedestrians, vehicles, and bicycles.

Guidelines

1. Monuments signs should be constructed of materials and style similar to that of primary building architecture. Recommended materials include masonry, wood, stucco, brick and pre-cast concrete.
2. Monument signs should be illuminated from external light sources only.
3. Colors of letters and graphics should complement building architecture yet provide contrast to be visible and attractive.

§ SEVERABILITY.

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

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage September 11, 2018, provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on August 28, 2018. 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 11th day of September; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ 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 11, 2018
Subject:	Direction on League of California Cities Annual Conference Resolutions
From:	Sean Scully, City Manager
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council provide direction to the voting member (Mayor O'Brien) 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.

SUMMARY

This year the general assembly will be considering two resolutions which were submitted prior to the July 15 deadline. Both resolutions will initially be referred to policy committees (Resolution Number 1 has been referred to Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation and Transportation, Communication & Public Works), (Resolution Number 2 has been referred to Environmental Quality). After a recommendation is decided at the committee stage, the resolutions will then proceed to the General Assembly, typically held on the last day of the conference. The first resolution submitted by the City of Beverly Hills requests that the League respond to increasing "vulnerabilities to local municipal authority, control and revenue" by exploring the preparation of a ballot measure that would strengthen local control and authority through a constitutional amendment.

The second resolution submitted by the City of Malibu requesting that the "League of California Cities declare its commitment to support the repeal of preemption in California Food and Agriculture Code § 1150.1 that prevents local governments from regulating pesticides".

BACKGROUND

The League of California Cities has distributed a resolutions packet to the member Cities. The annual conference resolutions are put forth as a process for making

decisions on important issues that face municipalities in California. In general, the annual conference resolutions are broad policy decisions that do not focus on specific geographic areas or more targeted issues that are within the purview of the various league policy committees.

Resolution Number 1: “RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY”

At a basic level, this resolution seeks to direct the League of California Cities to explore a ballot measure and/or constitutional amendment to strengthen local control. This resolution is a response to consistent legislative attempts at the State level to circumvent local control. There are a variety of examples over the past number of years which Council has taken very firm “local control” based positions on. The argument for this resolution cites a number of examples from 2017/2018 including SB 469 (Hueso) Wireless Telecommunication Facilities, AB 252 (Ridley-Thomas) Prohibition of Taxes on Video Streaming Services, and AB 827 (Weiner) Planning and Zoning: Transit Rich Housing. While the examples cited were not successfully signed into law, they do represent a consistent and concerning practice of attempts to erode local control. In general, the argument states that local Government Democracy functions best when local decisions are left to local governments and that large scale statewide policy issues are handled by the State Government. Further cementing of that philosophy through a ballot measure or constitutional amendment would create preference of local control and allow municipalities to govern themselves with regard to issues that are local in nature.

Generally the League’s analysis of the Resolution acknowledges while there are concerning attacks against local control, the exploration of a ballot initiative “must be approached very carefully by the organization. It (ballot initiatives) is a difficult and very expensive endeavor that can have additional political ramifications. For 120 years the Leagues core mission has been to protect local control – and it has gone to the ballot successfully before to do so – but any such effort must be approached thoughtfully, prudently and cautiously” (League staff analysis, attached). The League analysis also notes a number of examples where the league has successfully defended local control through ballot measures in the past. However, it is clear that the request within the resolution is more global in nature and not as issue specific as the League’s examples.

Resolution Number 2: “A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES”

Resolution number 2 seeks “encourage the state to fund research into the negative impacts and a potential restriction or ban (of certain rodenticides); direct the League to consider creating a task force to study and report on the unintended negative consequences; encourage cities and property owners to eliminate use; and encourage cities to join advocacy efforts. In addition, the resolution would direct the League to endorse repeal of a statute that preempts local regulation of pesticides” (League staff analysis, attached).

The motivation behind this resolution revolves around the use of a specific type of rodent control pesticide called “anticoagulant rodenticides”. The rodenticide is commonly used on a variety of rodents (mice, gofers etc). The rodenticide interferes with blood clotting in the animal and typically causes death by excessive bleeding. While the rodenticide is effective, it can also effect other species that feed on rodents (including house pets). The core of this resolution seeks to amend Food and Agricultural Code §11501.1 which preempts local regulation of specific pesticides (versus state dictated guidelines). The amendment would create broad authority for local governments to make decisions about which pesticides are and are not allowed for use in their jurisdictions. The League analysis states that there have a number of legislative attempts to ban the rodenticides in the past but none were successful in getting approved and signed into law.

While the impetus of this resolution is the concern from the City of Malibu over the use of anticoagulant rodenticides, the actual resolution specifically focuses on this attempt to expand local control by amending the afore mentioned section of state code.

FINANCIAL IMPACT

No direct financial impact at this time.

ATTACHMENTS

- 1) Resolutions, Background and Analysis by League

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY

Source: City of Beverly Hills

Concurrence of five or more cities/city officials: Cities: Arcadia, Burbank, Cupertino; Duarte; Oceanside; Ontario; Palo Alto; Redondo Beach; Santa Cruz; Sunnyvale; Torrance; West Hollywood

Referred to: Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works Policy Committees

WHEREAS, the State of California is comprised of diverse communities that are home to persons of differing backgrounds, needs, and aspirations; yet united by the vision that the most accessible, responsive, effective, and transparent form of democratic government is found at the local level and in their own communities; and

WHEREAS, subsidiarity is the principle that democratic decisions are best made at the most local level best suited to address the needs of the People, and suggests that local governments should be allowed to find solutions at the local level before the California Legislature imposes uniform and overreaching measures throughout the State; and

WHEREAS, the California Constitution recognizes that local self-government is the cornerstone of democracy by empowering cities to enact local laws and policies designed to protect the local public health, safety and welfare of their residents and govern the municipal affairs of charter cities; and

WHEREAS, over recent years there have been an increasing number of measures introduced within the Legislature or proposed for the state ballot, often sponsored by powerful interest groups and corporations, aimed at undermining the authority, control and revenue options for local governments and their residents; and

WHEREAS, powerful interest groups and corporations are willing to spend millions in political contributions to legislators to advance legislation, or to hire paid signature gatherers to qualify deceptive ballot proposals attempting to overrule or silence the voices of local residents and their democratically-elected local governments affected by their proposed policies; and

WHEREAS, powerful interest groups and corporations propose and advance such measures because they view local democracy as an obstacle that disrupts the efficiency of implementing corporate plans and increasing profits and therefore object when local residents—either through their elected city councils, boards of supervisors, special district boards, or by action of local voters—enact local ordinances and policies tailored to fit the needs of their individual communities; and

WHEREAS, public polling repeatedly demonstrates that local residents and voters have the highest levels of confidence in levels of government that are closest to the people, and thus would be likely to strongly support a ballot measure that would further strengthen the ability of communities to govern themselves without micromanagement from the state or having their authority undermined by deep-pocketed and powerful interests and corporations.

RESOLVED that the League of California Cities should assess the increasing vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy to best preserve their local quality of life.

Background Information on Resolution No. 1

Source: City of Beverly Hills

Background:

The relationship between the state and cities functions best as a partnership where major policy issues are approached by the state with careful consideration of the varied conditions among the state's 482 cities and 58 counties. There should be an appreciation of the importance of retaining local flexibility to tailor policies to reflect the needs and circumstances of the local community. Still, cities have had to respond to state legislation that undermines the principle of "local control" over important issues such as land use, housing, finance, infrastructure, elections, labor relations and other issues directly affecting cities.

Alexis de Tocqueville's "Democracy in America" examined the operation of the principle of subsidiarity in the early 19th century. Subsidiarity is an organizing principle that states matters should be handled by the smallest, lowest or least centralized competent authority. Tocqueville wrote that "Decentralization has not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them get accustomed to using freedom." Tocqueville's works were first published in 1835 with a second volume published in 1840. The United States had a population of just 17 million people in 1840, less than 50% of the population of California today and yet there was value found in decentralization.

Another consideration is to examine how the European Union ("EU") operates. There are two prime guiding principles for the EU. The first is principle of conferral, which states that the EU should act only within the limits of the competences conferred on it by the treaties. The second, which is relevant to this resolution, is the principle of subsidiarity, which states that the EU should act only where an objective cannot be sufficiently achieved by the member states acting alone. Sacramento should operate in a similar manner and only govern when objectives need to be achieved at a much larger level than a local government.

For years, Governor Jerry Brown himself has spoken on the principle of "subsidiarity." Governor Brown has asserted for numerous years that local officials should have the flexibility to act without micromanagement from Sacramento.

Legislation introduced in both 2017 and 2018 by the state legislature has continually threatened local control in flagrant opposition to the principle of subsidiarity. This has included, but not been limited to, Senate Bill 649 (Hueso) Wireless Telecommunications Facilities ("SB 649") in 2017; AB 252 (Ridley-Thomas) Local government: taxation: prohibition: video streaming services ("AB 252") in 2017; and Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus ("SB 827") in 2018.

SB 649 would have applied to all telecommunications providers and the equipment they use, including "micro-wireless," "small cell," and "macro-towers," as well as a range of video and cable services. The bill would have allowed the use of "small cell" wireless

antennas and related equipment without a local discretionary permit in all zoning districts as a use by-right, subject only to an administrative permit. Additionally, SB 649 provided a de facto CEQA exemption for the installation of such facilities and precluded consideration by the public for the aesthetic, nuisance, and environmental impacts of these facilities. SB 649 would have also removed the ability for cities to obtain fair and reasonable compensation when authorizing the use of public property and rights of way from a “for profit” company for this type of use.

SB 649 passed out of the State Assembly by a vote of 46-16-17 and out of the State Senate by a vote of 22-10-8 despite over 300 cities and 47 counties in California providing letters of opposition. Ultimately, Governor Brown vetoed the bill as he believed “that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill.” It is strongly believed that the issue of wireless telecommunications facilities is not over and it is anticipated that legislation will be introduced on this topic in January 2019.

Another example of an incursion into local control was AB 252, which would have prohibited any tax on the sale or use of video streaming services, including sales and use taxes and utility user taxes. Over the last two decades, voters in 107 cities and 3 counties have adopted measures to modernize their Utility User Tax (“UUT”) ordinances. Of these jurisdictions, 87 cities and 1 county approved ordinances to allow a UUT on video providers. Prior to its first Committee hearing, AB 252 received opposition letters from 37 cities, the League of California Cities, South Bay Council of Governments, California Contract Cities Association, and nine other organizations. This bill failed in the Assembly Revenue and Taxation Committee 8-0-2, which the author of the Committee chaired.

More recently, SB 827 would have overridden local control on housing development that was within ½ mile of a major transit stop or ¼ mile from a high-quality bus corridor as defined by the legislation with some limitations. On April 17, 2018, SB 827 failed in the Senate Transportation and Housing Committee 4-6-3 but was granted reconsideration. State legislators have indicated they will continue to introduce legislation that will override local zoning ordinances for the development of affordable housing in conjunction with mixed use and/or luxury condominium/apartment housing.

These are just three examples of the increasing attempts by Sacramento to supersede local control. Presently, there are discussions occurring in Sacramento to ban cities from creating their own municipal broadband or to prohibit local ordinances over the regulation of shared mobility devices such as dockless electric scooters. These decisions should remain with each individual jurisdiction to decide based on the uniqueness of their community and the constituents that live in each city.

Often fueled by the actions of special interest groups, Sacramento is continually attempting to overreach their authority with various incursions on local control. The desire in Sacramento to strip communities of their ability to make decisions over issues which should remain at the local level seems to intensify each state legislative cycle. Increasingly, legislation is being introduced with a “one-size-fits-all” approach which is detrimental in a

state with over 40 million residents that have extremely diverse communities from the desert to the sea, from the southern to the northern borders.

Loren King in the book "Cities, Subsidiarity and Federalism" states, "Decisions should be made at the lowest feasible scale possible". The proposed resolution directs the League of California Cities to assess the increasing vulnerabilities to local authority, control and revenue. It also directs the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment which would aim to ensure that decisions are made as close to home as possible.

Local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic. Any ballot measure and/or constitutional amendment should institutionalize the principle of subsidiarity, while encouraging inclusive regional cooperation that recognizes the diversity of California's many individual communities. The time has come to allow the residents of California's voters to decide if they prefer top down governance from Sacramento or bottom up governing from their own locally elected officials.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Dan Carrigg, Johnnie Pina
Committees: Governance, Transparency and Labor Relations
Housing, Community & Economic Development
Revenue & Taxation
Transportation, Communication and Public Works

Summary:

This Resolution states that the League of California Cities should assess the vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

Background:

The City of Beverly Hills is sponsoring this resolution in reaction to their concerns over measures coming from the Legislature and the initiative process attempting to roll back local control and hinder cities from providing optimal services to their residents.

As examples, the city cites the 2017-2018 legislative cycle, the Legislature introduced bills such as Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, and AB 252 (Ridley-Thomas) proposing to prohibit taxes on video streaming services, and more recently Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing. SB 649 was vetoed by the Governor and SB 827 died in policy committee, however if these measures had been signed into law they would have impinged on the ability of a local government to be responsive to the needs of their constituents.

The city maintains that "local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic."

Fiscal Impact:

By requesting the League to "assess" vulnerabilities and "explore" the preparation of a ballot measure that would further protect local authority, there are no proposals to be quantified. But it is presumed that the League would not pursue a measure that did not have positive impacts of further protecting local authority.

For the League as an organization, however, the fiscal impact of sponsoring a ballot measure can be very expensive. It can take several million dollars to qualify a measure via signature gathering, and much more to fund an effective campaign and overcome organized opposition.

Comments:

- 1) Ballot measure advocacy is a settled aspect of California's political process. This year's November ballot is an example of that, with proposals ranging from dividing California

into three states, restoring rent control, repealing transportation funding, to funding housing and water bonds. Three other measures are not on the November ballot after their sponsors spent millions gathering signatures to qualify measures, then leveraged last-minute legislative deals in exchange for pulling them from the ballot.

- 2) Most major stakeholder organizations in Sacramento have realized that they cannot rely on legislative advocacy alone to protect their interests, but must develop and maintain the capacity to protect their interests in the ballot process as well.
- 3) The League has been engaged in ballot advocacy for nearly 20 years. In the early 2000's, city officials were angered by repeated state raids of local revenues. These concerns led to the League—for the first time in its then 100-year history—developing a ballot advocacy infrastructure that included forming and fundraising for an issues political action committee (PAC), establishing a network of regional managers, and building a coalition with other organizations that ultimately led to the passage of Prop. 1A of 2004. Over the years, the League's successful campaigns include the passage of Proposition 1A and Proposition 99 and the defeat of Propositions 90 and 98.

a. Yes on Proposition 1A (2004)

As a result of the passage of Prop 1A, local government revenues that otherwise would have been raided by the state legislature were kept in local coffers. This resulted in increased funding for public safety, health, libraries, parks and other locally delivered services. Proposition 1A PASSED WITH 83.7% OF THE VOTE.

b. No on Proposition 90 (2006)

Prop. 90 was a well-financed special interest-backed initiative that sought to eliminate most of local governments' land use decision making authority. Led by the League, the opposition educated voters on how this measure's far reaching provisions would have cost taxpayers billions of dollars by driving up the cost of infrastructure projects, prevented voters and state and local agencies from enacting environmental protections, jeopardized public safety services and more. Proposition 90 FAILED WITH 52.4% OF THE VOTERS VOTING NO.

c. No on Proposition 98 Yes on Proposition 99 (2008)

Given the hidden agendas within Prop 98, our message was not always an easy one to communicate to the electorate. The No on 98/ Yes on 99 campaign was able to educate voters on the important differences between both measures. As a result, important eminent domain reforms were enacted and both land use decision making and rent control were preserved within our communities. Proposition 98 FAILED WITH 61.6% OF THE VOTERS VOTING NO. Proposition 99 PASSED BY 61% OF THE VOTE.

d. Yes on Proposition 22 (2010)

As a result of the passage, local governments have been able to pay for infrastructure investment, create local jobs and avoid devastating cuts in our communities. Proposition 22 APPROVED BY 60.7% OF VOTERS.

- 4) While the League has been able to recently defeat several major legislative proposals aimed at undermining local authority, and avoid a battle over the Business Roundtable's measure in November due to the "soda tax" deal, the threats to local authority and revenue remain a constant concern. Other interest groups may be emboldened by some of the recent "deals" cut by ballot proponents and seek to implement similar strategies for the 2020 ballot. The next Governor may also have different philosophies than Governor Jerry Brown on "subsidiarity."
- 5) The League's President opted to send this resolution to four policy committees for several reasons: (a) the recent major threats to local control covered broad policy areas: telecom, land use, contracting, and revenue; and (b) having this issue vetted broadly within the League policy process will provide a better assessment of the depth of concern for the vulnerability to local control within the membership
- 6) If the membership chooses to approve this measure, it is strongly advisable to retain continued flexibility for the League to "assess" vulnerabilities and "explore" options. Any ballot initiative consideration must be approached very carefully by the organization. It is a difficult and very expensive endeavor that can have additional political ramifications. For 120 years the League's core mission has been to protect local control - and it has gone to the ballot successfully before to do so -- but any such effort must be approached thoughtfully, prudently and cautiously.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League of California Cities' Mission Statement is, "To expand and protect local control for cities through education and advocacy. To enhance the quality of life for all Californians"
- The League of California Cities' Summary of Existing Policy and Guidelines states, "We Believe
 - Local self-governance is the cornerstone of democracy.
 - Our strength lies in the unity of our diverse communities of interest.
 - In the involvement of all stakeholders in establishing goals and in solving problems.
 - In conducting the business of government with openness, respect, and civility.
 - The spirit of public service is what builds communities.
 - Open decision-making that is of the highest ethical standards honors the public trust.
 - Cities are the economic engine of California.
 - The vitality of cities is dependent upon their fiscal stability and local autonomy.
 - The active participation of all city officials increases the League's effectiveness.
 - Focused advocacy and lobbying is most effective through partnerships and collaboration.
 - Well-informed city officials mean responsive, visionary leadership, and effective and efficient
 - city operations."
- Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Support:

The following letters of concurrence were received: Steven Scharf, Cupertino City Council Member; Michael S. Goldman, Sunnyvale City Council; Lydia Kou, Palo Alto City Council Member; David Terrazas, Mayor of Santa Cruz; Peter Weiss, Mayor of Oceanside; Alan D. Wapner, Mayor pro Tem of Ontario; Patrick Furey, Mayor of Torrance; Lauren Meister, West Hollywood Council Member; Liz Reilly, Duarte Mayor Pro Tem; Bill Brand, Mayor of Redondo Beach; Sho Tay, Mayor of Arcadia; Emily Gabel-Luddy, Mayor of Burbank.

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Source: City of Malibu

Concurrence of five or more cities/city officials: Cities: Agoura Hills; Calabasas; Davis; Menlo Park; Moorpark; Ojai; Oxnard; Richmond; West Hollywood

Referred to: Environmental Quality

WHEREAS, anticoagulant rodenticides are poisonous bait products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals, including pets, that accidentally ingest the products. Approximately 10,000 children under the age of six are accidentally poisoned by anticoagulant rodenticides each year nationwide; and

WHEREAS, in response to these harms, the California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides; and

WHEREAS, the state of California currently only recognizes the harm posed by second-generation anticoagulant rodenticides, which are prohibited in state wildlife habitat areas but are still available for agricultural purposes and by certified applicators throughout the state of California; and

WHEREAS, first-generation anticoagulant rodenticides are still available to the public and used throughout California without limitation; and

WHEREAS, nonpoisonous rodent control methods, such as controlling trash, sealing buildings, setting traps, erecting raptor poles and owl boxes, and removing rodent nesting areas are also effective rodent control methods; and

WHEREAS, the state of California preempts cities from regulating pesticides; and

WHEREAS, many cities across California have passed resolutions restricting pesticide use on city property and have expressed the desire to ban the use of pesticides within their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Long Beach, California on September 14, 2018, to do as follows:

1. Encourage the state of California to fund and sponsor further research into the negative impacts of anticoagulant rodenticides to determine whether the use of these products should be further restricted or banned statewide.

2. Direct the League of California Cities staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impact of anticoagulant rodenticides;
3. Encourage cities throughout California to eliminate use of anticoagulant rodenticides as part of their maintenance program in city-owned parks, lands, and facilities and to report on the effectiveness of other rodent control methods used in their maintenance program;
4. Encourage property owners throughout California to eliminate use of anticoagulant rodenticides on their properties;
5. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of anticoagulant rodenticides;
6. Endorse a repeal of California Food and Agriculture Code § 11501.1 to end local preemption of regulating pesticides; and
7. Call for the Governor and the Legislature to work with the League of California Cities and other stakeholders to consider and implement this reform.

Background Information on Resolution

Source: City of Malibu

Background:

A. Anticoagulant rodenticides are unnecessarily destructive and dangerous

Anticoagulant rodenticides contain lethal agents that disrupt the normal blood clotting or coagulation process causing dosed rodents to die from uncontrolled bleeding or hemorrhaging. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait. Animals commonly targeted by anticoagulant rodenticides include rats, mice, gophers and squirrels. Non-target predator wildlife victims, which are exposed to an 80-90% risk of poisoning, include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. The endangered species at risk of poisoning include fishers, spotted owls, and San Joaquin foxes. The use of anticoagulant rodenticides not only harms rodents, but it commonly harms pets, such as dogs, cats, and bunnies, and other wildlife that mistakenly eat the bait through primary poisoning or that unknowingly consume animals that have ingested the anticoagulant rodenticide through secondary poisoning. Children also suffer poisoning by mistakenly ingesting anticoagulant rodenticides.

California recognizes the grave harm that can be caused by anticoagulant rodenticides and has partially restricted access to second-generation anticoagulant rodenticides by the public:

Because of documented hazards to wildlife, pets and children, the California Department of Pesticide Regulation has restricted public access to some of these materials in California. As of July 1, 2014, rodenticide products containing the active ingredients brodifacoum, bromadiolone, difethialone and difenacoum are only to be used by licensed applicators (professional exterminators).¹

California has also prohibited the use of these ingredients in any “wildlife habitat area,” which is defined as “any state park, state wildlife refuge, or state conservancy.”²

The United State Environmental Protection Agency³ and the California Department of Pesticide Regulation⁴ have both documented in detail the damage to wildlife from second-generation anticoagulant rodenticides in support of the 2014 consumer ban on the purchase and use of the products. While first-generation anticoagulant rodenticides are less toxic, they are far more abundant due to their continued availability to all members of public.⁴ The California Department of Fish & Wildlife was tasked with collecting data on poisoning incidents to ascertain the effectiveness of the restrictions on second-generation anticoagulant rodenticides. After almost four years of collecting data, there was no evidence supporting a reduction in the number of poisonings.

¹ <https://www.wildlife.ca.gov/living-with-wildlife/rodenticides>.

² Cal. Food and Agric. Code § 12978.7.

³ <https://www.epa.gov/rodenticides/restrictions-rodenticide-products>

⁴ https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum_final_assess.pdf

Recent studies by the University of California, Los Angeles and the National Park Service on bobcats have shown that first-generation anticoagulant rodenticide poisoning levels similar to the second-generation anticoagulant rodenticides poisoning levels.⁵ A comprehensive study of 111 mountain lions in 37 California counties found first-generation anticoagulant rodenticides in the liver tissue of 81 mountain lions (73% of those studied) across 33 of the 37 counties, and second-generation anticoagulant rodenticides in 102 mountain lions (92% of those studied) across 35 of the 37 counties.⁶ First-generation anticoagulant rodenticides were identified as contributing to the poisoning of Griffith Park mountain lion, P-22, (who was rescued), and the deaths of Newbury Park mountain lion, P-34, and Verdugo Hills mountain lion, P-41.

This data demonstrates the inadequacy of current legislative measures to ameliorate the documented problem caused by both second-generation and first-generation anticoagulant rodenticides.

B. State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides

A general law city may not enact local laws that conflict with general state law.⁷ Local legislation that conflicts with state law is void.⁸ A local law conflicts with state law if it (1) duplicates, (2) contradicts, or (3) enters a field that has been fully occupied by state law, whether expressly or by implication. A local law falling into any of these categories is “preempted” and is unenforceable.

State law expressly bars local governments from regulating or prohibiting pesticide use. This bar is codified in the California Food and Agricultural Code § 11501.1(a):

This division and Division 7 . . . are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation. Except as otherwise specifically provided in this code, no ordinance or regulation of local government, including, but not limited to, an action by a local governmental agency or department, a county board of supervisors, or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, transportation, or use of pesticides, and any of these ordinances, laws or regulations are void and of no force or effect.

State law also authorizes the state to take action against any local entity that promulgates an ordinance or regulation that violates § 11501.1(a).⁹ The statute was specifically adopted to overrule a 30 year old court decision in *People v. County of Mendocino*,¹⁰ which had held that a

⁵ L. E. K. Serieys, et al, “Anticoagulant rodenticides in urban bobcats: exposure, risk factors and potential effects based on a 16-year study,” *Ecotoxicology* (2015) 24:844–862.

⁶ J. Rudd, et al, “Prevalence of First-Generation and Second-Generation Rodenticide Exposure in California Mountain Lions,” Proceeding of the 28th Vertebrate Pest Conference, February 2018.

⁷ Cal. Const. art. XI § 7.

⁸ *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 743.

⁹ Cal. Food and Agric. Code § 11501.1, subd. (b).

¹⁰ *People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal. 3d 476.

local regulation prohibiting aerial application of phenoxy herbicides was not then preempted by state or federal law.¹¹

The use of pesticides is broadly regulated by state law. In the language of preemption law, the state “occupies the field,” leaving no room for additional local law on the subject. Accordingly, a city’s ban on the use of anticoagulant rodenticides would be unenforceable.

C. California should repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to decide how to regulate pesticides within their own jurisdictions based on local concerns

The state of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

Recognizing that cities’ power to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations” is presently preempted by the general laws of the state, cities throughout California request that the state provide cities with the authority to decide how to deal with rodents based on their land use.

Depending on such land use, cities may decide to allow the use of nonpoisonous control methods, non-anticoagulant rodenticides, or anticoagulant rodenticides, if necessary. Nonpoisonous methods to control rodent pests, include sealing entrances to buildings, sanitizing property, removing rodent habitats, such as ivy or wood piles, setting traps, and erecting raptor poles or owl boxes. For example, a recent landmark study by Ventura County established that installing raptor poles for hawks and owls was more effective than anticoagulant rodenticides in reducing the damage to water control levees caused by ground squirrel burrows. Burrows decreased by 66% with the change.¹²

The ultimate goal is to allow cities to address their local concerns with the input of community members at open and public meetings. Presently, cities are unable to adequately address local concerns; they are limited to encouraging or discouraging behavior.

D. Conclusion

The negative effects from the use of anticoagulant rodenticides across California has garnered the interest of cities and community members to remedy the problem. By presenting this resolution to the League of California Cities, the City of Malibu hopes to organize support and gain interest at the state level to repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to regulate pesticides based on individual, local concerns.

¹¹ *IT Corp. v. Solano County Bd. Of Supervisors* (1991) 1 Cal. 4th 81, fn. 9; *Turner v. Chevron USA Inc.*, 2006 WL 1314013, fn. 14 (unpublished).

¹² <http://vcportal.ventura.org/BOS/District2/RaptorPilotStudy.pdf>

League of California Cities Staff Analysis on Resolution No. 2

Staff: Erin Evans-Fudem
Committee: Environmental Quality

Summary:

This resolution seeks to have the state and the League study the negative impacts of anticoagulant rodenticides and address the inability of cities to regulate the use of rodenticides and pesticides.

Specifically related to anticoagulant rodenticides, the resolution would encourage the state to fund research into the negative impacts and a potential restriction or ban; direct the League to consider creating a task force to study and report on the unintended negative consequences; encourage cities and property owners to eliminate use; and encourage cities to join advocacy efforts. In addition, the resolution would direct the League to endorse repeal of a statute that preempts local regulation of pesticides.

Background:

The City of Malibu is sponsoring this resolution out of concern about the effect of a certain type of rodent control (anticoagulant rodenticides) has on other wildlife. According to the City, anticoagulant rodenticides disrupt the blood clotting process and therefore cause rodents to die from bleeding or hemorrhaging. This rodenticide is commonly used on rats, mice, gophers, and squirrels. Predator animals that eat rodents can be exposed to anticoagulant rodenticides if they consume animals that have eaten the bait. These animals include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. Furthermore, pets can also be exposed to anticoagulant rodenticides if they eat the bait or consume animals that have eaten the bait.

Some cities have passed “ceremonial resolutions” locally. For example, the City of Malibu has two ordinances in place to discontinue use of rodenticides and traps in city-owned parks, roads, and facilities, as well as encourage businesses and property owners not to use anticoagulant rodenticides on their property.

Fiscal Impact:

Costs to cities would include using alternative methods of rodent control and studying the efficacy. Since the resolution encourages, but does not mandate action by cities, city costs would be taken on voluntarily.

Fiscal impact to the League would include costs associated with the task force, scientific research, and educating League staff and members. For the task force, the League may incur costs associated with staffing, convening, and educating a task force to study anticoagulant rodenticides, as well as the cost of writing a report. This could include a need for outside experts with knowledge of pesticides and their ecological impacts. League resources would also be utilized to support proposals to repeal the statute preempting local regulation of pesticides; however, this cost may be absorbed with existing staff resources.

Comments:

Pesticides are regulated by federal and state governments. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) reserves for the federal government authority over pesticide labeling. States can adopt stricter labeling requirements and can effectively ban sale and use of pesticides that do not meet state health or safety standards.¹ For 51 years, California has reserved regulation of pesticides for the state only, preempting local regulation.² This preemption has been ratified and confirmed in subsequent court decisions and legislation. However, County Agricultural Commissioners work to enforce the state laws. Local governments may regulate or restrict pesticide use in their own operations, including use in municipal buildings or parks.³⁴

Broad direction. This resolution would direct the League to take a position allowing broad local discretion over pesticide regulation in general. Because the regulation of anticoagulant rodenticides is largely based in science, additional or outside expertise may be needed to ensure full understanding of the science behind rodent control methods. The resolution itself is not limited to allowing local governments to regulate anticoagulant rodenticides, which this resolution otherwise targets.

Rodent control methods. There are numerous methods of controlling rodents, including lethal traps, live traps, and poison baits. There are two generations of rodenticide poisons because after rodents became resistant to the first generation, the second was developed. The U.S. Environmental Protection Agency (U.S. EPA) provides the following information below related to the science and use of anticoagulant rodenticides:

Most of the rodenticides used today are anticoagulant compounds that interfere with blood clotting and cause death from excessive bleeding. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait.

First-generation anticoagulants include the anticoagulants that were developed as rodenticides before 1970. These compounds are much more toxic when feeding occurs on several successive days rather than on one day only. Chlorpophacinone, diphacinone and warfarin are first-generation anticoagulants that are registered to control rats and mice in the United States.

Second-generation anticoagulants were developed beginning in the 1970s to control rodents that are resistant to first-generation anticoagulants. Second-generation anticoagulants also are more likely than first-generation anticoagulants to be able to kill after a single night's feeding. These compounds kill over a similar course of time but tend to remain in animal tissues longer than do first-generation ones. These properties mean that second-generation products pose greater risks to nontarget species that might feed on bait only once or that might feed upon animals that have eaten the bait. Due to these

¹ California Department of Pesticide Regulation (CDPR), *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

² California Food and Agriculture Code § 11501.1 (1967).

³ CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

⁴ County Agricultural Commissioners work with CDPR to enforce state laws. CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 13, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

risks, second-generation anticoagulant rodenticides no longer are registered for use in products geared toward consumers and are registered only for the commercial pest control and structural pest control markets. Second-generation anticoagulants registered in the United States include brodifacoum, bromadiolone, difenacoum, and difethialone.

Other rodenticides that currently are registered to control mice include bromethalin, cholecalciferol and zinc phosphide. These compounds are not anticoagulants. Each is toxic in other ways.⁵

Legislative attempts to ban. Several legislative measures have been introduced to ban the use of certain anticoagulant rodenticides (AB 1687, Bloom, 2017. AB 2596, Bloom, 2016). However, neither of these measures were heard and failed to pass key legislative deadlines.

Existing League Policy:

The League does not have policy related to pesticides or rodenticides.

Related to federal regulation, League policy states:

- The League supports flexibility for state and local government to enact environmental and other standard or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.

Support:

The following letters of concurrence were received: William Koehler, Mayor of Agoura Hills; Fred Gaines, Mayor of Calabasas; Brett Lee, Mayor Pro Tem of Davis; Catherine Carlton, Menlo Park City Council Member; Janice Parvin, Mayor of Moorpark; Suza Francina, Ojai City Council Member; Carmen Ramirez, Oxnard City Council Member; Tom Butt, Mayor of Richmond; Lindsey Horvath, West Hollywood City Council Member

⁵ U.S. EPA, Restrictions on Rodenticide Products, <https://www.epa.gov/rodenticides/restrictions-rodenticide-products>