



**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 10, 2019– 6:00 P.M.

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

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 1 Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell

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

CONFLICT OF INTEREST

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

1. PRESENTATIONS

Item 1.1: Presentation on the Riverbank Security Camera Project.

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 27, 2019, City Council and Local Redevelopment Authority Minutes.

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

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

The public notices for Items 5.1 and 5.2 were published in the Riverbank News on 8/28/2019.

Item 5.1: **First Reading by Title Only and Introduction of a Proposed Ordinance Adding a New Chapter 126: Sidewalk Vending, to Title XI: Business Regulations of the Riverbank Municipal Code** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on September 24, 2019, for consideration of its adoption.

Item 5.2: **Continuance of Public Hearing – Municipal Utility Lien – 6625 Second Street - APN 132-011-065** – It is recommended that the City Council continue the public hearing to the regularly scheduled September 24, 2019, City Council meeting.

6. NEW BUSINESS

Item 6.1: **Update on Citywide Park Master Plan by PROS Consulting, Inc.** – It is recommended that the City Council receive the update on the Citywide Park Master Plan Process provided by PROS Consulting, Inc., and provide any feedback or direction as deemed necessary to move forward with the Plan.

Item 6.2: **Consider the Petition for Deferred System Development Fees from McRoy-Wilbur Communities and a Resolution to Approve a Deferral of System Development Fees for McRoy-Wilbur Communities – California Estates Subdivision** – It is recommended that the City Council

consider the petition from McRoy-Wilbur Communities to defer payments for the System Development Fees assessed on the construction of dwelling units in the California Estates subdivision and approve the Resolution.

Item 6.3: Consider a Request from Riverbank Cannabis Collective to Add Delivery Services to their Development Agreement and consider a Resolution to Approve the Execution of a Side Letter Agreement No. 2 to the Development Agreement (Ordinance No. 2018-003) between the City of Riverbank and Family and Friends Association, Inc. (F.F.A.), Doing Business as Riverbank Cannabis Collective, a California Cooperative Corporation for a Cannabis Dispensary – It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

Option 1. Authorize City Manager and City Attorney to create and execute a side letter agreement to the Riverbank Cannabis Collective Development agreement that would allow for delivery on a trial basis of cannabis within City limits.

Option 2. Deny the request by Riverbank Cannabis Collective, which would keep the current provisions of their Development Agreement in place.

Option 3. A combination of the provisions of option 1 or option 2 listed above.

Item 6.4: Request for Waiver of Fees for Downtown Sip and Stroll Event – It is recommended that the City Council consider approving a request 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.

Item 6.5: Direction on the 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

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 to Closed Session.

Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

Stanislaus County Superior Court Case No. CV-19-004402

~~Under Negotiation: Price, terms of payment, or both~~

Item 8.2: 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.

Under Negotiation: Price, terms of payment, or both

Item 8.3: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency representative: Sean Scully, City Manager

Unrepresented Employees: Public Works Director and Assistant City Manager/Director of Finance

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH LABOR NEGOTIATORS:** Unrepresented Employees: Public Works Director and Assistant City Manager/Director of Finance

ADJOURNMENT (The next regular City Council meeting – Tuesday, Sept. 24th @ 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 California Ralph M. Brown Act.

Posted this 5th day of September, 2019

/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 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.
Written Public Comments	Anyone wishing to provide written public comments may do so <u>prior to 5:00 p.m. of the day of the meeting</u> to allow for distribution to the City Council. Comments must specify what agenda item they are referring to. Comments will become part of the record, however, they will not be read aloud at the meeting.
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 10, 2019
Subject:	Presentation on the Riverbank Security Camera Project
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council receive a presentation and update on the Riverbank Security Camera project.

SUMMARY

Over the past four months the City and its contractor QPCS have been engaged in the process of citing, permitting and installing license plate readers and security cameras at strategic locations throughout the City of Riverbank as recommended by the Chief of Police. The majority of the installation and technical configurations are complete and the cameras are active. Mario Campos from QPCS will be attending the Council meeting to update on the project and share the results of the camera's initial operation.

FINANCIAL IMPACT

None

ATTACHMENTS

None

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 10, 2019
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/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of 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/LRA Board; 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 10, 2019
Subject:	Approval of the August 27, 2019, 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 27, 2019, 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 27, 2019, 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 27, 2019**

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

CALL TO ORDER

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

FLAG SALUTE

Mayor/Chair Richard D. O'Brien

INVOCATION

Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL

Present:

Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 1 Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – Mr. Gilton, of Gilton Solid Waste Management, made a public statement in regards to the tragic death of Gilton employee Ismael Martinez.

CONFLICT OF INTEREST

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

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Proclamation – Childhood Cancer Awareness Month – September 2019.

Mayor O'Brien read the staff report and spoke on behalf of the Perez Family.

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.

Bruce Edwards, Riverbank, announced the loss of Diana McGinnis, and spoke in regards to Phase IV – the bike trail for Jacob Myers Park.

Melissa Santo, Representative for Congressman Josh Harder, provided an update on the assistance and one-on-one meetings Congressman Harder was providing.

Russell Fowler, Representative for Assemblyman Heath Flora, gave condolences to the family of Ismael Martinez.

Jim Shegrue, Modesto, provided his goals and the expansion of the bike trail at Jacob Myers Park.

Justin Bachman, Regional Compliance Manager for Construction Industry Force Account Council, spoke in regards to the assistance they provide to local and state government to comply with the [California] Pubic Contract Code.

Eva Nash, Riverbank, spoke in regards to concerns with homelessness in her neighborhood.

Diana Garcia announced free mammograms on September 14th during the Sip and Stroll downtown event; requested permission for onsite product consumption and delivery service to be placed on the agenda for FFA, Inc., Riverbank Cannabis Collective; gave her condolences to the Martinez family for their loss, offered to be a resource for the City on the homelessness issues, and spoke in favor of the Jacob Myers Park bike trail expansion.

Elizabeth Ortiz, Coordinator of Veterans Walk and Talk, spoke in support of [cannabis] delivery service that supports disabled Veterans, and requested that it be placed on the agenda.

Jennifer Nasca, Tracy, spoke in favor of cannabis delivery service.

Erin Jasma, Manteca, spoke in support of a [cannabis] delivery service.

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 23, 2019, City Council and Local Redevelopment Authority Minutes.

Item 3.C: Out of State Travel Request to attend the Caselle Annual User Conference in Las Vegas, NV.

Item 3.D: A **Resolution [No. 2019-076]** Approving the Senior Construction Inspector Job Classification and Salary Range; and Amending the City of Riverbank Compensation Plan to Reflect the New Salary Range and Title for the City Clerk Position and the New Salary Range for the Senior Parks Maintenance Worker/Facility Technician Position.

Item 3.E: A **Resolution [No. 2019-077]** to Approve a 3-Year Extension to the Street Sweeping Contract between the City of Riverbank and Gilton Solid Waste Management.

Item 3.F: A **Resolution [No. 2019-078]** to Approve a 3-Year Extension to the Solid Waste Contract between the City of Riverbank and Gilton Solid Waste Management.

Item 3.G: A **Resolution [No. 2019-079]** to Approve and Adopt a Revision to the Bike and Pedestrian Improvements Project List Under the 2019 City of Riverbank Expenditure Plan Project List for Measure L Funds.

Item 3.H: A **Resolution [No. 2019-080]** to Adopt the 2019-2020 Schedule of Fees for the City of Riverbank Park Amenity Rentals, Recreation Programs, and Facility Rentals.

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

Reference Item 3.H: City Manager Sean Scully announced that a revision had been made to the schedule of fees, to correct rental fees charged for Groups that had been grandfathered in.

ACTION: ***By motion moved and seconded (Uribe / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A through 3.H as amended and presented.***

Motion carried by unanimous City Council and LRA Board roll call vote.

AYES: Campbell, Fosi, Uribe, Barber-Martinez, and Mayor/Chair O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS There are no items to consider.

6. NEW BUSINESS

Item 6.1: **A Resolution [No. 2019-081] Approving a Request from the Stanislaus Bicycle Club to Place a Bicycle Traffic Safety Sign as a Memorial to Doug Higgs to be placed near California Avenue and Claus Road** – It is recommended that the City Council consider approval of the proposed resolution which would allow placement of a bicycle traffic safety sign near Claus Road and California Avenue in memory of Doug Higgs.

City Manager Sean Scully presented the staff report.

Ms. Kristen Smith, representing the Stanislaus Bike Club, thanked everyone involved for their assistance in achieving this request, and spoke on the tragedy and memorial of Doug Higgs.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to adopt Resolution No. 2019-081 Approving a Request from the Stanislaus Bicycle Club to Place a Bicycle Traffic Safety Sign as a Memorial to Doug Higgs to be placed near California Avenue and Claus Road as presented.*
Motion carried by unanimous City Council roll call vote.
AYES: Campbell, Fosi, Uribe, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.2: **A Resolution [No. 2019-082] Authorizing Appropriation of Matching Funds for a Wastewater Regional Recycled Water Project and Wastewater Treatment Master Planning Studies Grant** – It is recommended that the City Council consider the proposed resolution appropriating matching funds from the Wastewater Operations and Maintenance budget.

Public Works Director Michael Riddell presented the staff report.
City Council discussed the Item.

ACTION: *By motion moved and seconded (Campbell / Barber-Martinez / passed 5-0) to adopt Resolution No. 2019-082 authorizing appropriation of matching funds for a Wastewater Regional Recycled Water Project and Wastewater Treatment Master Planning Studies Grant not to exceed \$159,540.00 as presented.*
Motion carried by unanimous City Council roll call vote.
AYES: Campbell, Fosi, Uribe, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.3: **A Resolution [No. 2019-083] Approving a Waiver, Partial Waiver, and/or Deferral of System Development Fees for the one Church Modular Building Project Located at 6101 Oakdale Road** – It is recommended that the City Council listen to the presentation and consider the petition from One Church to waive and/or defer payment of their System Development Fees which will be assessed on the installation of a single-story 2,400 square foot modular classroom project.

Planning and Building Manager Donna Kenney presented the staff report.

City Council and Staff discussed the Item.

Public comment as made by Tracy Traub, Lead Pastor at One Church who spoke in favor of waiver of the fees.

ACTION: *By motion moved and seconded (Barber-Martinez / Fosi / passed 5-0) to adopt Resolution No. 2019-083 Approving the Waiver of System Development Fees for Water - \$7,251.83, Waste Water - \$3,162.08, and Storm Drain - \$7,146.09 for a total of \$17,560.00 for the one Church Modular Building Project Located at 6101 Oakdale Road as presented.*

Motion carried by unanimous City Council roll call vote.

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

Item 6.4: **Consideration of a Resolution [No. 2019-084] Adopting the Revised General Fund Reserve Policy** – It is recommended that the City Council consider:

1. Resolution adopting the revised General Fund Reserve Policy, and
2. Directing staff to develop a long-term plan to achieve the proposed General Fund Reserve Target of 13%-15%.

Assistant City Manager/Director of Finance Marisela Garcia presented the staff report.

City Council and Staff discussed the item.

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe / passed 5-0) to adopt Resolution No. 2019-084 to adopt the revised General Fund Reserve Policy as presented. Motion carried by unanimous City Council roll call vote.*

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

NAYS: None / ABSENT: None / ABSTAINED: None

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe / passed 5-0) to adopt Resolution No. 2019-084 to develop a long-term plan to achieve the proposed General Fund Reserve Target of 13% - 15% as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.5: **Workshop on SB 2 Planning Grants Program - Tiny Houses; and Consideration of a Resolution [No. 2019-085] Authorizing Application for, and Receipt of, SB 2 Planning Grants Program Funds** – Staff recommends that the City Council review the materials, listen to the presentation, consider the Planning Commission's comments on the topic, and approve the Resolution authorizing application for, and receipt of, SB 2 Planning Grants Program Funds.

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

City Council and Staff discussed the Item.

Public Comment was made by Ms. Deanna Garcia who spoke in favor of exploring tiny houses. Mr. John Siemon inquired about the museum, and was informed it was not related to this matter.

ACTION: *By motion moved and seconded (Uribe / Fosi / passed 5-0) to adopt Resolution No. 2019-085 Authorizing Application for, and Receipt of, SB 2 Planning Grants Program Funds and to hold a workshop as presented.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.6: **Designation of a Voting Delegate and Alternate(s) to Attend the 2019 League of California Cities Annual Conference** – It is recommended that City Council designate Members of the Council as the Voting Delegate and one or two alternates to attend the 2019 League of California Cities Annual Conference on October 16-18 at the Long Beach Convention Center to participate in the Annual Business Meeting for the consideration of resolutions that establish League policy. To report the designations to the League, City Council is to ratify the designations by roll call

City Manager Sean Scully presented the staff report.

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 5-0) to approve the designation of Mayor O'Brien as the Voting Delegate.*

Motion carried by unanimous City Council roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 5-0) to approve the designation of Vice Mayor Barber-Martinez as the alternate Voting Delegate.*

Motion carried by unanimous City Council roll call vote.

AYES: Campbell, Fosi, Uribe, 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 announced that a number of staff members will be attending the vigil for the sanitation worker who lost his life serving the [Riverbank] community.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Uribe reported on his attendance of the Stanislaus Homeless Alliance Meeting, and announced the Shaw Learning Retreat's new location.*
- *Council/Authority Member Fosi commented on the overwhelming support to the family [of the sanitation worker] by the community; proud to be a Riverbank resident, and reminded everyone that school is in session and to be aware of children..*
- *Council/Authority Member Campbell responded to Mr. Siemon's inquiry of the [Riverbank] museum.*
- *Vice Mayor/Chair Barber-Martinez thanked everyone who participated in the "National Night Out" event; announced that Crossroads West [land] is now part of the City of Riverbank; and reported that she attended the Highway 132 dedication for Deputy Dennis Wallace.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) requested an update regarding the Host House and Self-Help Enterprise for affordable housing; and 2) spoke in regards to the city's spatial analysis, new construction for the protection of employees and Police personnel and property, and to quickly move forward in researching sources of potential funding for the new construction [of a new city hall].

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 LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: Three (3) potential cases

Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20
Stanislaus County Superior Court Case No. CV-19-004402

Item 8.3: **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 8.4: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency representative: Sean Scully, City Manager
Unrepresented Employees: Public Works Director and Assistant City Manager/Director of Finance

Mayor/Chair O'Brien announced the Closed Session Item(s) and opened the Item(s) for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 7:47 p.m.

9. REPORT FROM CLOSED SESSION

Mayor/Chair O'Brien reconvened the meetings at 9:15 p.m.

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Three (3) potential cases

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

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Stanislaus Consolidated Fire Protection District v. City of Riverbank and DOES 1-20

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

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

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

Item 9.4: Report from Closed Session on Item 8.4: **CONFERENCE WITH LABOR NEGOTIATORS:** Unrepresented Employees: Public Works Director and Assistant City Manager/Director of Finance

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

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:16 p.m.

ATTEST: *(Adopted 9/10/2019)*

APPROVED:

Marisela H. Garcia
Asst. City Manager / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	September 10, 2019
Subject:	First Reading by Title Only and Introduction of a Proposed Ordinance Adding a New Chapter 126: Sidewalk Vending, to Title XI: Business Regulations of the Riverbank Municipal Code
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on September 24, 2019, for consideration of its adoption.

SUMMARY

On September 17, 2018, then State of California Governor Jerry Brown signed Senate Bill 946, the Safe Sidewalk Vending Act, which established statewide governance of vending in the public right-of-way and in public parks. SB 946 took effect on January 1, 2019. Local authorities only have the ability to regulate and enforce street vending if their adopted ordinances are consistent with SB 946. If a local authority adopts a sidewalk vending program, they cannot designate or restrict certain locations for vending in the public right-of-way unless the restriction is related to health, safety, or welfare concerns. SB 946 prohibits cities in the state from banning stationary or roaming vendors on public sidewalks, public walkways, or within public parks. The law also prohibits cities from regulating sidewalk vendors unless cities establish a permit system consistent with the provisions of SB 946. SB 946 does provide administrative penalties for sidewalk vending violations. The fee structure is: \$100 for a first violation; \$200 for a second violation; and \$500 for each additional violation within one year of the first violation. Staff has worked with the City Attorney's office to prepare an ordinance on sidewalk vending which establishes new procedures and regulations to allow vendors on sidewalks and public walkways consistent with SB 946.

BACKGROUND AND ANALYSIS

The City of Riverbank's Municipal Code (RMC) has existing regulations regarding peddlers and vendors which are applicable to street vendors. Specifically, these regulations pertain to vendors and peddlers who sell goods, wares, merchandise, fruits,

vegetables, etc. from a lunch wagon or eating cart or vehicle and their daily operation on city streets. RMC Chapter 71.12 Unlawful Parking by Peddlers and Vendors, prohibits the unlawful parking or standing of carts such as a push-cart that sells food. Chapter 71.12(A) states that, "... no person shall stand or park any vehicle, wagon or push-cart from which goods...fruits, vegetables or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle, on any portion of any street within this city..."

Additionally, the Code addresses people who sell food or beverage items in stands or parks without a permit from the City Manager. According to RMC Chapter 71.12(B), "No person shall park or stand on any city park or street, any lunch wagon, eating cart or vehicle or push-cart, from which food and beverages are sold or offered for sale without first obtaining a written permit to do so from the City Manager, which shall designate the specific location in which such cart shall stand." Thus, persons who sell such items must be approved through a written permit by the City Manager and in a location deemed appropriate. The RMC further adds that people may be convicted in any court for violating that provision. This section addresses vending with vehicles on the streets and does not necessarily address vending on sidewalks or within parks.

The proposed ordinance (Attachment 1), completed in collaboration with the City Attorney's office, notes that the purpose of Chapter 126.01 is to establish a permitting and regulatory program for sidewalk and park vendors consistent with the provisions of SB 946. Included within the ordinance are prohibited activities such as the sale of gun, adult-oriented, alcohol, tobacco, or cannabis products. Fortune-telling, massage, and tattoo services would also be prohibited.

GENERAL PLAN

An ordinance amendment regulating sidewalk vending is consistent with the following goals and policies of the General Plan:

Overarching Economic Development Goal – Planning for a community where businesses can thrive and attract wealth, create jobs and income growth for local residents, generate revenue for local government, serve local market needs, and help revitalize older neighborhoods.

Goal ED-1 Continue to make economic development a priority in Riverbank. *The permit system for sidewalk vending will allow people who participate in the informal economy to integrate into the formal economy by providing them with a path to participation. If they are successful, they may move up to a brick and mortar business location.*

Goal ED-4 Increase opportunities for income growth among Riverbank residents. *Sidewalk vending will increase employment opportunities for citizens unable to work elsewhere. With sidewalk vendors local, economic benefits will remain within the community for rent, gas, food, daycare, etc.*

Policy ED-8.5 Downtown revitalization will include exploring new options for entertainment and visitor-serving uses. *Like in larger cities, sidewalk vending can offer culturally significant food and merchandise hard to find in traditional storefronts.*

ENVIRONMENTAL DETERMINATION

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

FISCAL IMPACT

At the moment, there is no fiscal impact. Fiscal impact may be more appropriately determined once there is a permit system, if there is, for sidewalk vending.

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 an amendment to regulate sidewalk venders is not a stated strategic goal but is consistent with the General Plan goal to “To be recognized as a premier community where individuals, families and businesses thrive in a safe and beautiful environment.”

Sidewalk Vending, per SB 946, allows and provides for “important entrepreneurship and economic development opportunities to low-income and immigrant communities.” It also increases access to “desire goods, such as culturally significant food and merchandise. The SB 946 authors were also mindful and considerate that the “safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending. The law allows for the protection of street vendors and works to ensure that it is done in safe and healthy manner by allowing local jurisdictions to have rules consistent with SB 946 but with consideration of the community. The outlined reasons of SB 946 are consistent with the City of Riverbank’s Strategic Planning Session to create a premier community where families and businesses can thrive in safe and beautiful environment.

PUBLIC NOTICE

The City Council hearing notice was published in the Riverbank News on August 28, 2019, and posted at City Hall North, and Riverbank Community Center, August 22, 2019.

ATTACHMENTS

1. Proposed Ordinance 2019-XXX – New Chapter 126

CITY OF RIVERBANK

ORDINANCE NO. 2019-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
ADDING A NEW CHAPTER 126: SIDEWALK VENDING, TO TITLE XI: BUSINESS
REGULATIONS OF THE RIVERBANK MUNICIPAL CODE OF ORDINANCES**

WHEREAS, on September 17, 2018, California Governor Edmund G. Brown signed Senate Bill 946 ("SB 946") into law, which adds Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the California Government Code to regulate sidewalk vendors throughout the state, including within the City of Riverbank ("City"); and

WHEREAS, SB 946 took effect January 1, 2019, and limits the authority of cities and counties in the state to regulate sidewalk vendors, except as otherwise specifically and expressly provided; and

WHEREAS, the City Council adopts this Ordinance in accordance with the authority granted by SB 946; and

WHEREAS, regulation of sidewalk vending will benefit the City as a whole by leading to orderly commerce, encouraging entrepreneurship, and providing economic opportunity for the citizens of the City; and

WHEREAS, the City Council declares that the regulations enacted by this Ordinance are intended to promote and protect the health, safety, and welfare of the City's residents, businesses, and visitors and are in furtherance of the City's police powers; and

WHEREAS, the City Council further declares that the provisions of this Ordinance are intended to regulate the time, place, and manner of sidewalk vending directly relating to public health, safety, and welfare objectives and concerns; and

WHEREAS, the City Council further declares that the regulations enacted by this Ordinance, including, but not limited to those governing minimum sidewalk widths, sidewalk vending receptacle sizes, distance requirements, and food and merchandise storage, are intended and necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards; and

WHEREAS, the City Council further declares that the regulations enacted by this Ordinance are intended and necessary to ensure public access to and enjoyment of public streets, parks, plazas, and to protect the public from injury or interference, and allow a clear exit path from commercial businesses on to public sidewalks; and

WHEREAS, the City Council desires to retain the ability for local enforcement of sidewalk vendor regulations, including the imposition of fines for violations, to the extent consistent with State law.

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

SECTION 1: The Riverbank Municipal Code is amended by Adding Chapter 126: Sidewalk Vending to Title XI: Business Regulations, which shall read as follows:

CHAPTER 126: SIDEWALK VENDING

Sections:

- 126.01 Purpose.
- 126.02 Definitions.
- 126.03 Permit Required.
- 126.04 Permit Application.
- 126.05 Permit Issuance.
- 126.06 Operating Conditions.
- 126.07 Prohibited Activities.
- 126.08 Vending Locations.
- 126.09 Public Parks.
- 126.10 Penalties.
- 126.11 Appeals.

§126.01 Purpose.

(A) The purpose of this Chapter is to establish a permitting and regulatory program for sidewalk vendors that complies with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this Chapter allow the City to encourage small business activities by removing total prohibitions on portable food stands and merchandise sales, while still permitting regulation and enforcement of unpermitted sidewalk vending activities to protect the public's health, safety, and welfare.

(B) The City Council hereby finds that to promote the public's health, safety, and welfare, restrictions on sidewalk vending are necessary to:

(1) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;

(2) Provide reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services;

(3) Reduce exposure to the City for personal injury or property damage claims and litigation; and

(4) Ensure sidewalk vending activities occur only in locations where such activities would not restrict sidewalk and pathway access and enjoyment to individuals with disabilities.

§126.02 Definitions.

For the purposes of this Chapter, terms shall have the following meanings:

CANNABIS. Shall have the same meaning as set forth in Business and Professions Code Section 26001(f) as it may be amended from time to time.

CERTIFIED FARMERS' MARKET. Shall mean a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code and any regulations adopted pursuant to that chapter.

CITY. Shall mean the City of Riverbank.

CODE. Shall mean the Riverbank Municipal Code.

COUNTY. Shall mean the County of Stanislaus.

CURB FACE. Shall mean the vertical or sloping surface on the roadway side of the curb.

DIRECTOR. Shall mean the City Manager or his or her designee.

EMERGENCY VEHICLE ACCESS. Shall mean the roadway path or other surface that provides police, fire, or other safety vehicle access from the dispatched point of origin to a facility, building, parcel, park, or portion thereof. Emergency vehicle access includes, but is not limited to, fire lanes, public and private streets, parking lot lanes, access roadways, and walkways.

FOOD. Shall mean any edible substance.

GOODS OR MERCHANDISE. Shall mean any item that is not food.

HEARING OFFICER. Shall mean an impartial individual designated by the City Manager to determine appeals pursuant to and in accordance with Section 126.

HEATING ELEMENT. Shall mean any device used to create heat for food preparation.

PARK. Shall mean a public park owned and operated by the City.

PUBLIC PROPERTY. Shall mean all property owned or controlled by the City, including, but not limited to, alleys, parks, pathways, plazas, streets, parking lots, sidewalks, and walking trails.

RESIDENTIAL. Shall mean any area zoned exclusively as residential in Chapter 153 of this Code.

ROAMING SIDEWALK VENDOR. Shall mean a sidewalk vendor who moves from place to place and stops only to complete a transaction.

SIDEWALK. Shall mean a public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

SIDEWALK VENDOR. Shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

SPECIAL EVENT. Shall mean any temporary permitted event approved by the City.

STATIONARY SIDEWALK VENDOR. Shall mean a sidewalk vendor who vends from a fixed location.

VEND OR VENDING. Shall mean to barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, food or merchandise, or to require someone to negotiate, establish, or pay a fee before providing food or merchandise, even if characterized as a donation.

VENDOR. Shall mean a person who vends.

VENDING CART. Shall mean a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

§126.03 Permit Required.

No person shall engage in, conduct, or carry on the business of vending on a sidewalk or in a park without a sidewalk vending permit issued under the provisions of this Chapter and a business license issued under the provisions of Chapter 110 of this Code.

§126.04 Permit Application.

(A) Every person, prior to engaging in, conducting, or carrying on the business of vending on a sidewalk, shall file an application for a permit with the Director of Public Works,

accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

- (1) The legal name, current mailing address and telephone number of the applicant;
- (2) If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
- (3) A copy of a California's driver's license or identification number, an individual taxpayer identification number, or a social security number. The number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order;
- (4) The names, addresses, and telephone numbers of all persons that will be employed as a sidewalk vendor by the applicant;
- (5) A description of the food and/or merchandise for vending;
- (6) A description, map, or drawing of the areas in which the sidewalk vendor proposes to operate;
- (7) A description and photograph of any vending cart to be used in the operation of the business;
- (8) The hours per day and the days per week during which the sidewalk vendor proposes to operate, and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
- (9) Proof of comprehensive general liability insurance (\$1 million per occurrence/ \$2 million aggregate) protecting the permittee and the City from all claims against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City;
- (10) An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any claim, damages, actions, or causes of action which may arise from or in any manner relate to the permit or the vendor's sidewalk vending activities;
- (11) Food vendors must also comply with the following requirements:

(a) Provide the Director a copy of the certification of completion of a County-approved food handler's course and copies of all required approvals from the County's Food Safety Program;

(b) Provide the Director a copy of a valid Mobile Food Permit issued by the Stanislaus County Department of Environmental Health;

(c) Indicate whether food is prepacked or to be prepared on site;

(d) Indicate whether the vendor requires a heating element to prepare food.

(12) Certification by the applicant, under penalty of perjury, that the information contained in the application is true to his or her knowledge and belief; and

(13) Any other reasonable information required by the Director.

(B) Applications for permits shall be filed a minimum of thirty (30) days prior to the date requested for issuance of the permit. Renewal permit applications shall be filed a minimum of thirty (30) days prior to the expiration of any existing permit.

§126.05 Permit Issuance.

(A) Not later than thirty (30) days after the filing of a completed application for a vendor's permit, the applicant shall be notified of the decision on the issuance or denial of the permit.

(B) The Director may issue a sidewalk vendor permit, with appropriate conditions, if he or she finds based on all of the relevant information that:

(1) The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare;

(2) The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;

(3) The sidewalk vendor has paid all previous administrative fines, completed all community service, and completed any other alternative disposition associated in any way with a previous violation;

(4) The sidewalk vendor has not had a permit revoked within the same calendar year;

(5) The sidewalk vendor's application contains all required information;

(6) The sidewalk vendor has not made a materially false, misleading, or fraudulent statement of fact to the City in the application process;

(7) The sidewalk vendor has satisfied all the requirements of this Chapter;

(8) The sidewalk vendor has paid all applicable fees as set by City Council resolution.

(C) A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending cart requires a new permit under this Chapter.

(D) A permit issued pursuant to this Chapter shall be effective for a period of one (1) year from the date of issuance.

§126.06 Operating Conditions.

All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

(A) All sidewalk vendor permits shall be displayed conspicuously at all times on the vending cart or the sidewalk vendor's person.

(B) Sidewalk vendors shall not leave their sidewalk vending cart unattended. Sidewalk vending carts shall not be stored on public property.

(C) All sidewalk vendors shall allow a City police officer, firefighter, or code enforcement officer, at any time, to inspect their sidewalk vending cart for compliance with the size requirements of this Chapter and to ensure the safe operation of any heating elements used to prepare food.

(D) Every sidewalk vending cart shall not exceed a total length of six (6) feet, a total width of four (4) feet, or a total height, including a roof, umbrella, or awning of eight (8) feet.

(E) No sidewalk vending cart shall be motorized.

(F) All food and merchandise shall be stored either inside or affixed to the sidewalk vendor cart or carried by the sidewalk vendor. Food and merchandise shall not be

stored, placed, or kept on any public property. If affixed to the sidewalk vendor cart, the overall space taken up by the sidewalk vendor cart shall not exceed the size requirements provided in this Section.

(G) Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending cart and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending cart. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.

(H) Sidewalk vendors may not empty vending cart trash containers into any City refuse container.

(I) Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property.

(J) Vending carts shall not be accompanied by accessories, including, but not limited to, tables, chairs, benches, and umbrellas except that one (1) chair and one (1) umbrella may be provided for the purpose of allowing the vendor or an employee to be seated in shade.

(K) Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path on the sidewalk, free from obstructions, including sidewalk vending carts, and customer queuing area.

(L) Sidewalk vendors shall not approach persons to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.

§126.07 Prohibited Activities.

(A) Sidewalk vendors shall comply with all operating conditions, including those conditions set forth in Chapters 94 (park regulations), 114 (fortune-telling regulations), 118 (adult entertainment regulations), 119 (massage regulations), 120 (cannabis regulations), 123 (tobacco and e-cigarette regulations), 125 (tattoo regulations), and 153 (alcohol regulations) of this Code.

(B) Sidewalk vendors shall not engage in any of the following activities:

- (1) Renting merchandise to customers;
- (2) Displaying merchandise or food that is not available for immediate sale;
- (3) Selling of gun, adult-oriented material, cannabis, alcohol, tobacco, or electronic cigarette products;

(4) Offering services such as fortune-telling, massage, and tattoos;

(5) In areas not zoned exclusively for residential use, all sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 10:00 p.m. and 7:00 a.m. daily, except that the hours of operation shall not be more restrictive than the hours of operation imposed on other businesses or uses on the same street;

(6) In areas zoned exclusively for residential use, roaming sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 6:00 p.m. and 9:00 a.m. daily;

(7) Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale;

(8) Impeding or obstructing ingress to or egress from any private property or any structure, parking space or loading facility;

(9) Selling or otherwise conducting transactions with persons in moving vehicles or vehicles illegally parked or stopped;

(10) Causing vehicles to stop in traffic lanes or causing persons to stand in traffic lanes or parking spaces;

(11) Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles;

(12) Damaging public or private property, including trees, shrubs, grass, flowers, plants, or vegetation.

§126.08 Vending Locations.

(A) Stationary sidewalk vending is prohibited in the following areas:

(1) Any residential zone in the City.

(B) Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:

(1) On any private property without the express written consent of the owner or lessee of the property.

- (2) On any designated emergency vehicle access way.
 - (3) Within twelve (12) inches of any curb face on all roads.
 - (4) Within fifteen (15) feet of any entrance or exit to a building, structure or facility.
 - (5) Within fifty (50) feet of another sidewalk vendor.
 - (6) Within twenty-five (25) feet of a:
 - (a) Fire hydrant;
 - (b) Curb which has been designated as yellow or red zone, or a bus zone;
 - (c) Trash or recycling containers, bike racks, benches, bus stops, or similar public use items.
 - (7) On any sidewalk where vending equipment and queuing patrons would restrict access requirements under the Americans with Disabilities Act.
 - (8) Within two hundred (200) feet of a permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.
 - (9) Within the immediate vicinity of an area designated for a special event permit issued by the City, during the limited duration of the special permit. If the City provides any notice, business interruption mitigation, or other rights to affected businesses or property owners under the City's special permit, such notice will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable.
- (C) Locations for vending shall be approved by the Director. In addition to any restrictions provided by this Section, vending locations may be further limited by the Director only if the limitation is directly related to objective health, safety or welfare concerns, including but not limited to:
- (1) The ability of the site to safely accommodate the use;
 - (2) Pedestrian safety.
- (D) Vending locations may change only upon written request by an applicant and written approval by the Director.

§126.09 Public Parks.

In addition to the conditions, restrictions, and prohibited activities provided in Chapters 94 (park regulations), 114 (fortune-telling regulations), 118 (adult entertainment regulations), 119 (massage regulations), 120 (cannabis regulations), 123 (tobacco and e-cigarette regulations), 125 (tattoo regulations), and 153 (alcohol regulations) of this Code, sidewalk vendors operating in a public park shall not:

- (A) Operate outside the park's hours of operation;
- (B) Operate on, or within twenty-five (25) feet of, any sports field or playground equipment area;
- (C) Utilize any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park in any way as part of the sidewalk vending operation;
- (D) Operate within twenty-five (25) feet of any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park;
- (E) A stationary sidewalk vendor shall not sell food or merchandise or engage in any sidewalk vending activities at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.

§126.10 Penalties.

(A) Violations of this Chapter shall not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative fine and rescission provisions:

- (1) An administrative fine not exceeding one hundred dollars (\$100) for a first violation;
- (2) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation; and
- (3) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

(B) If a sidewalk vendor violates any portion of this Chapter and cannot present the citing officer with a proof of a valid permit, the sidewalk vendor may be punished by:

(1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation;

(2) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation; and

(3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

(C) Upon proof of a valid permit issued by the City, the administrative fines set forth in subsection (B) shall be reduced to the administrative fines set forth in subsection (A), or any successor sections.

(D) The Director may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

(E) The Director may deny, suspend, or revoke any permit for any of the following reasons:

(1) Fraud or misrepresentation contained in the application for the permit;

(2) Fraud or misrepresentation made in the course of carrying on the business of vending;

(3) Conduct of the permitted business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, or welfare.

(F) Denial, void, or revocation of the business license shall result in revocation of the vendor permit.

§126.11 Appeals.

(A) Decisions to deny an application for a permit or to impose administrative fines may be appealed by any interested person. Appeals shall be heard and determined by the hearing officer.

(B) Appeals shall be initiated within twenty-one (21) calendar days of the decision or imposition of administrative fine. Notwithstanding any other provision of law, a person appealing an administrative fine is not required to pay the administrative fine as a prerequisite to filing an appeal.

(C) Appeals of decisions or administrative fines shall be made in writing to the hearing officer on forms provided by the City. The appeal shall state the facts and basis for the appeal.

(D) Appeals of a decision to deny an application for a permit shall be accompanied by a fee which is 50% of the cost of the permit.

(E) Decisions regarding administrative fines that are appealed shall not become effective until the appeal is resolved.

(F) An appeal shall be scheduled for a hearing before the hearing officer within thirty (30) calendar days of the filing of the appeal unless both the appellant and the hearing officer consent to a later date.

(G) The hearing officer shall give notice in writing to the appellant of the time and location of the appeal hearing. At the hearing, the hearing officer shall review the record of the decision or administrative fine and hear testimony of the appellant, if any, the applicant and any other interested party. The appeal shall be reviewed and determined on a de novo basis.

(1) If an administrative fine is the subject of an appeal, the hearing officer shall take into consideration the person's ability to pay the fine. The hearing officer shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at or before the hearing or while the administrative fine remains unpaid.

(2) If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor section, the hearing officer shall accept, in full satisfaction, twenty percent (20%) of the administrative fine imposed pursuant to this Chapter.

(3) The hearing officer may allow the person to complete community service in lieu of paying the total administrative fine, may waive or partially waive the administrative fine, or may offer an alternative disposition.

(H) After the hearing, the hearing officer shall affirm, modify or reverse the original decision or administrative fine. When a decision or administrative fine is modified or reversed, the hearing officer shall state the specific reasons for modification or reversal. Decisions on appeals shall be rendered within thirty (30) calendar days of the close of the hearing. The hearing officer shall mail notice of a decision to the appellant. Such notice shall be mailed within five (5) working days after the date of the decision to the appellant. The decision of the hearing officer shall be final.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

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

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on September 10, 2019. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the day of , 2019; motioned by Councilmember _____, seconded by Councilmember _____, and moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Marisela H. Garcia
Asst. City Manager/Acting City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	September 10, 2019
Subject:	Continuance of Public Hearing – Municipal Utility Lien – 6625 Second Street - APN 132-011-065
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council continue the public hearing to the regularly scheduled September 24, 2019, City Council meeting.

SUMMARY

The City Attorney's office has been in the process of developing the necessary materials for the City Council to consider placing a utility lien on the property located at 6625 2nd St, Assessor's Parcel Number 132-011-065 for unpaid wastewater service charges. The Public Hearing notice has been posted for this item, however staff is requesting additional time to complete the necessary documents and therefore request that Council continue this item to the regularly scheduled September 24th City Council meeting, at that time all necessary documents will be prepared for Council consideration.

FINANCIAL IMPACT

None at this time.

ATTACHMENTS

None

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	September 10, 2019
Subject:	Update on Citywide Park Master Plan by PROS Consulting, Inc.
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council receive the update on the Citywide Park Master Plan Process provided by PROS Consulting, Inc., and provide any feedback or direction as deemed necessary to move forward with the Plan.

SUMMARY

The City of Riverbank does not currently have a Citywide Park Master Plan. On March 26, 2019 a Resolution to Award the bid for the development of a Citywide Park Master Plan to PROS Consulting, Inc. was passed by the City Council. Mike Svez, Principal with PROS Consulting, Inc. will provide an overview of the Citywide Park Master Planning process, answer any questions that the City Council or community may have, and receive any feedback.

The kickoff for the Citywide Park Master Plan will begin with meetings with City staff, stakeholders and focus groups scheduled for September 9th through September 11th. The plan will include research, data gathering and analysis, community involvement, development of goals, recommendations, standards and action plans for all aspects of the Master Plan. One of the City's goals for the plan is to research existing parks and facilities and map out the amenities that will be needed in the future.

STRATEGIC PLAN

The Citywide Park Master Plan Project is relevant to the Strategic Plan's vision; ***The City of Riverbank is a regional leader in sustainable development offering a unique, culturally, diverse, safe and welcoming community with a thriving downtown, recreational opportunities for all ages and sustainable economy that supports our growing population.***

FINANCIAL IMPACT

There is no financial impact with this report.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	September 10, 2019
Subject:	Consider the Petition for Deferred System Development Fees from McRoy-Wilbur Communities and a Resolution to Approve a Deferral of System Development Fees for McRoy-Wilbur Communities – California Estates Subdivision
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council consider the petition from McRoy-Wilbur Communities to defer payments for the System Development Fees assessed on the construction of dwelling units in the California Estates subdivision and approve the Resolution (Attachment 1).

SUMMARY

McRoy-Wilbur Communities submitted a written request (Exhibit A) to defer payments for System Development Fees, which will be assessed on the construction of homes in the California Estates subdivision. They are not disputing these fees, only asking for an alternate timing of payments. There is currently no administrative process to consider these requests at staff level and therefore, the request has been brought forward to the City Council for consideration.

BACKGROUND

The City currently collects System Development Fees at Building Permit issuance (Attachment 2) to defray the impact of new development as authorized by Government Code §66000-66025. The City's System Development Fee program is codified in §150.30 titled "System Development Fees" which establishes the authority for imposing and charging the fees. System Development fees are collected in order to:

- 1) To provide an adequate and constant method for the financing of the unfunded portion of need systems development costs throughout the city, reasonably related to projected community growth.

- 2) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- 3) To ensure the continuation of necessary services including, but not limited to, police and general administrative services.
- 4) To establish equitable methods for minimizing public facility and service costs to the city associated with new development.

As defined within Riverbank's municipal code, System Development Fees are ***charged to new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development.***

On August 29, 2019, the City received a request from Mark Wilbur (Attachment 2) to defer the System Development Fees from payment at Building Permit issuance to final inspection. This project, the Diamond Bar West subdivision, is assessed the following fees per dwelling unit:

System Development Fee Type	Amount
Streets/Public Works	\$3,079.28
Water	\$7,251.83
Waste Water	\$3,162.08
Storm Drain	\$7,146.09
Parks and Recreation	\$4,038.88
Police/General Government	\$1,462.34
Total System Development Fees	\$26,140.50
5% Administrative Fee	\$1,375.82
Plus Building Permit fees	\$3,875.39
Plus Stanislaus County Fees	\$7,993.00
TOTAL FEES	39,384.71

McRoy-Wilbur Communities had these same fees above deferred on their Diamond Bar West subdivision which is almost built out. Without exception, the company has followed through and paid all their deferred fees at Permit Final. For this proposed deferral (like Diamond Bar West), the initial payment at building permit issuance would include all the normal permit fees (building permit, plan check, seismic residential, plumbing, mechanical, electrical, etc. fees) plus \$100 for processing each deferral. The Total System Development Fees in the chart above (in yellow) would be deferred until the final building inspection of a dwelling unit (occupancy). The City will process and record a lien on the property with the Stanislaus County Recorder. In order to gain a final inspection, the lien must be cleared. Upon receiving payment, the City will place a record of release of lien on the property. This deferral would apply only to Riverbank's System Development Fees. It does not include any fees imposed by any other agencies such as the fire districts, school districts, or Stanislaus County.

ANALYSIS

The City Manager and Planning and Building Manager analyzed the request received from McRoy-Wilbur Communities. An evaluation of the potential impacts of this project was considered and the following determinations were made:

- 1) By allowing a portion of the fees to be paid prior to final inspection, it makes the financing of the project easier for the developer;
- 2) As a small builder forced to use internal funding and private investors for construction, they are provided with leverage and can start more homes at one time; and
- 3) A faster build-out of the project is created, thus generating more and sooner tax revenue for the City, and generating housing units on an advanced schedule therefore more quickly adding to Riverbank's available housing stock.

Based on the analysis performed, staff recommends that the City Council consider the deferral of System Development Fees to encourage construction and thereby, job growth.

FINANCIAL IMPACT

The System Development Fee program is designed as a mechanism to collect impact fees to build infrastructure necessary to support new growth City-wide. Careful evaluation of each proposed project is necessary to understand potential funding shortfalls which might be created as a result of granting fee deferral or waiver requests. In the case presented above, partial fees would be deferred but not waived. Therefore, no financial impact is expected by the deferral.

STRATEGIC PLAN

This item is indirectly related to the City's Strategic Plan through the System Development Fee program update.

ATTACHMENT

- Attachment 1 - CC Resolution No. 2019-XXX
- Exhibit A - Fee Deferral Request
- Attachment 2 - Building Permit fee sheet

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO APPROVE A DEFERRAL OF SYSTEM DEVELOPMENT FEES FOR MCROY-WILBUR COMMUNITIES – CALIFORNIA ESTATES SUBDIVISION

WHEREAS, it is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and

WHEREAS, from time to time, the City Council reviews these fees to ensure that they are adequately supporting the operation of City Government; and

WHEREAS, on September 5, 2019, the City received a request, attached hereto as **Exhibit A**, from McRoy-Wilbur Communities to defer their System Development Fees for the California Estates Subdivision; and

WHEREAS, McRoy-Wilbur Communities has requested that the City Council defer the System Development Fees assessed on nine (9) lots from Permit Issuance to Permit Final (Occupancy); and

WHEREAS, McRoy-Wilbur Communities will be assessed the following estimated System Development Fees on each of the nine (9) lots:

System Development Fee Type	Amount
Streets/Public Works	\$3,079.28
Water	\$7,251.83
Waste Water	\$3,162.08
Storm Drain	\$7,146.09
Parks and Recreation	\$4,038.88
Police/General Government	\$1,462.34
Total System Development Fees	\$26,140.50
5% Administrative Fee	\$1,375.82
Plus Building Permit fees	\$3,875.39
Plus Stanislaus County Fees	\$7,993.00
TOTAL FEES	39,384.71

WHEREAS, in accordance with the direction and approval by the City Council made at their regular meeting on September 10, 2019, the following is the amended estimated System Development fees that will be deferred by the City and paid by McRoy-Wilbur Communities:

(Estimated) System Development Fee Type	SDFs	SDFs Deferred
Streets/Public Works	\$3,079.28	TBD
Water	\$7,251.83	TBD
Waste Water	\$3,162.08	TBD
Storm Drain	\$7,146.09	TBD
Parks & Recreation	\$4,038.88	TBD
Police/General Government	\$1,462.34	TBD
Total System Development Fees	\$26,140.50	TBD
5% Administrative Fee	\$1,375.82	N/A
Total (+/-) SDFs Deferred		TBD
+ Building Permit fees	\$3,875.39	N/A
+ Stanislaus County Fees	\$7,993.00	N/A

WHEREAS, for this proposed project, any System Development Fees deferred shall be assessed and paid upon issuance of a Certificate of Occupancy.

WHEREAS, the aforementioned deferrals would only apply to Riverbank's System Development Fees, and does not include any permit fees, plan check fees, inspection fees, or fees imposed by any other agency such as the Fire District, School District, or Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the deferrals as stated above in the aforementioned amended System Development Fees table for an estimated total of (+/-) \$26,140.50 fees deferred.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of September 2019; motioned by _____, seconded by _____, and upon roll call was carried by the following vote of _-_:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Marisela H. Garcia
Asst. City Manager/Recorder

Richard D. O'Brien
Mayor

Exhibit A: Copy of Deferral Request and Justification

McW McROY - WILBUR COMMUNITIES, INC.

2909 COFFEE ROAD #12A
MODESTO, CA 95355
209-491-5430 • FAX (209) 577-2844
CONTRACTORS LIC. # 690515

Donna M. Kenney
Planning & Building Manager
City of Riverbank
6707 Third Street
Riverbank, CA. 95367

September 5, 2019

Donna,

Please consider this letter as a formal request to the Riverbank City Council for a partial fee deferral on our upcoming California Estates project. As we have previously discussed, fee deferral has become customary in most cities. This practice, to the best of my knowledge, has had a positive result for both the builder and the municipality. Fee costs have risen to a point where they compose thirty-five to forty per cent of the total construction costs. By allowing fees to be paid prior to final inspection it drastically help make financing of the project easier. It also helps create a faster build-out of the project, thus generating more tax revenue for the City. It poses no risk for the City as there can be no occupancy until all fees have been paid.

Currently we are building in the cities of Ripon and Riverbank. They both have deferred fee programs. Stanislaus County defers their fee till close of escrow. If we use the current model, initial payment would include: Building Permit, Plan check, Energy Compliance, Plumbing, Mechanical, and Electrical. The balance would be paid prior to final inspection.

I realize that my request is somewhat broad in nature. If approved, I am sure that we will need to work on the specifics more critically. Your willingness to look at this issue is very much appreciated.

Sincerely,



Mark Wilbur

Date Applied: 8/29/2019

Issued By: _____

Date Issued: _____

Expiration Date: _____

CITY OF RIVERBANK

BUILDING DEPARTMENT

6707 Third Street Riverbank, CA 95367

(209) 863-7128 (209) 869-7126 Fax

PERMIT #

BP19-0400

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class: B License #: 690515 Contractor: MCROY WILBUR COMMUNITES, INC. Exp Date: 6/30/2020

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

_____ I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

_____ I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE COMP. INS. FUND
Policy Number: 9152396

(This section need not be completed if the permit is for one hundred Dollars (\$100) or less)

_____ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in a manner so as to become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

WARNING: Failure to secure worker's compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in section 3706 of the Labor Code, interest, and attorney's fees.

Contractor _____ Date _____

(209) 869-6286 24 HR INSPECTION REQUEST LINE

THIS PERMIT BECOMES NULL AND VOID if work or construction authorized is not commenced within 365 days from the date of issuance, or work is suspended or abandoned or abandoned for a period of 180 days any time after work is commenced and verified by inspection.

Signature of Applicant / Contractor _____ Date _____

Signature of Building Official or Representative _____ Date _____

APN #: 132-046-089 Flood Zone _____

Job Address:

6233 CLAUS RD RIVERBANK CA 95367

Description of Work:

NEW SFD LOT 6

Applicant MCROY WILBUR COMMUNITES, INC.

Address 2909 COFFEE RD., STE#12A
MODESTO, CA 95355- (209) 491-5430

Owner MCROY WILBUR COMMUNITES, INC.

Address 2909 COFFEE RD., STE#12A
MODESTO, CA 95355- (209) 491-5430

Contractor MCROY WILBUR COMMUNITES, INC.

Address 2909 COFFEE RD., STE#12A
MODESTO, CA 95355- (209) 491-5430

Area SF: 1,929 Garage SF: 420 Patio SF: 174

Valuation \$258,657.39

Occupancy

Type 101 - New Residential - Single-Family Houses Attached

Num of Stories: 1 Zoning: _____

Fire Sprinkler: Yes

DESCRIPTION OF FEES

Permit Fees

Building Permit	101 000 000 450 030	1,882.23
Electrical Permit Fees	101 000 000 450 030	199.77
Mechanical Permit Fees	101 000 000 450 030	108.95
Plumbing Permit Fees	101 000 000 450 030	354.95
Utility Deposit	114 000 000 200 150	60.00
Building File Maintenance Fee	212 000 000 600 200	4.50
System Fee Admin Fee	125 000 000 665 010	1,375.82
System Fee Report Prep	161 000 000 675 281	9.50
Sewer Connection	158 000 000 660 050	430.00
Water Connection	157 000 000 600 150	475.00

Plan Check Fees

Plan Check	101 000 000 600 090	305.86
------------	---------------------	--------

State Fees

Seismic	101 000 000 200 220	33.63
Building Standards Administrati	101 000 000 200 210	11.00

Impact Fees

Streets / Public Works	205 000 000 675 330	D	3,079.28
Water	206 000 000 675 330	D	7,251.83
Waste Water	207 000 000 675 330	D	3,162.08
Storm Drainage	208 000 000 675 330	D	7,146.09
Parks and Recreation	209 000 000 675 330	D	4,038.88
Police / General Government	210 000 000 675 330	D	1,462.34
County Fees	112 000 000 200 200		7,993.00

TOTAL FEES 39,384.71

Deferred	Not Deferred:	Total Fees:	Total Paid:	Balance Due:
26,140.50	13,244.21	39,384.71	0.00	39,384.71

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date: September 10, 2019

Subject: Consider a Request from Riverbank Cannabis Collective to Add Delivery Services to their Development Agreement and consider a **Resolution** to Approve the Execution of a Side Letter Agreement No. 2 to the Development Agreement (Ordinance No. 2018-003) between the City of Riverbank and Family and Friends Association, Inc. (F.F.A.), Doing Business as Riverbank Cannabis Collective, a California Cooperative Corporation for a Cannabis Dispensary

Submitted by: Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council review the provided information, take public comment, and chose one of the following options:

- Option 1. Authorize City Manager and City Attorney to create and execute a side letter agreement to the Riverbank Cannabis Collective Development agreement that would allow for delivery on a trial basis of cannabis within City limits.
- Option 2. Deny the request by Riverbank Cannabis Collective, which would keep the current provisions of their Development Agreement in place.
- Option 3. A combination of the provisions of option 1 or option 2 listed above.

SUMMARY

At the August 27th City Council meeting Deanna Garcia from Riverbank Cannabis Collective spoke during public comment requesting that the City Council consider adding delivery as an allowed use under their Development Agreement (DA) as well as an education center which would also include onsite consumption (of CBD products). Since that time Deanna Garcia has requested staff place this item on the Council agenda for consideration. With regard to consumption, staff informed the Riverbank Cannabis Collective that any consumption area would require an amendment to the cannabis ordinance as that use was not conceived at the time the ordinance was adopted and therefore would require an ordinance change to be considered. Staff is currently speaking with other jurisdictions to see how these requests have been handled in those Cities.

Conversely delivery was an allowed use within the cannabis ordinance and technically the Bureau of Cannabis Control license type that Riverbank Cannabis Collective currently has allows for deliveries. The Development Agreement (at time of approval) contained no provisions for delivery nor was that discussed at the time. The City Attorney has reviewed the request and has advised that the City Council (in its discretion) may direct the City Manager and City Attorney to execute a side letter agreement with the Riverbank Cannabis Collective for delivery operations under their current Development Agreement. If Council is interested in this direction staff would recommend this request be granted under a trial/pilot basis of one (1) year with options for extension for the remainder of the current DA term with Council approval after the initial year. In addition, the proposed side letter would require that the security plan currently on file be amended and transmitted to planning and police services to account for the delivery use. It should also be noted that if this is approved it is only approval for delivery within Riverbank City limits as the Council has no jurisdiction to approve delivery outside of City limits. Finally, the Riverbank Cannabis Collective would be required to adhere to the very specific regulations as detailed by the Bureau of Cannabis Control.

It is not anticipated based on communication with the applicants that there would be a significant change to current operations aside from delivery services being available to residents in town. In other words, no significant increase to parking needs or general traffic as some traffic to the store may be decreased as a result of customers potentially choosing delivery versus visiting the retail location in person. The Riverbank Cannabis Collective have informed staff that they anticipate it would take approximately 6 months to get the delivery service into full operation. By that time they will have proceeded up to their next amended public benefit payment tier of \$7,500 per month or 6% of gross revenues (whichever is greater).

FINANCIAL IMPACT

The financial impact is generally unknown as no current delivery services are operating (with an approved permit) in City limits. It is conceivable that this service improves the Riverbank Cannabis Collectives revenue stream which could (potentially) increase the public benefit payment amount.

ATTACHMENTS

1. Proposed Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO APPROVE THE EXECUTION OF A SIDE LETTER AGREEMENT NO.2 TO THE DEVELOPMENT AGREEMENT (ORDINANCE NO. 2018-003) BETWEEN THE CITY OF RIVERBANK AND FAMILY AND FRIENDS ASSOCIATION, INC. (F.F.A.), DOING BUSINESS AS RIVERBANK CANNABIS COLLECTIVE, A CALIFORNIA COOPERATIVE CORPORATION FOR A CANNABIS DISPENSARY

WHEREAS, on January 23, 2018 the City Council adopted Ordinance No. 2018-003 approving the City of Riverbank to enter into a Development Agreement ("Agreement") effective January 9, 2018, with Family and Friends Association doing Business as Riverbank Cannabis Collective for a cannabis dispensary; and

WHEREAS, at the City Council meeting on August 27, 2019, Deanna Garcia of the Riverbank Cannabis Collective, requested that the City Council consider adding cannabis delivery to their Development Agreement; and

WHEREAS, the Development Agreement contains specific provisions (Section 1.9) that authorizes the City Manager to approve minor amendments to the Agreement and refer major amendments to the City Council; and

WHEREAS, The City Attorney has reviewed the request and has advised that the City Council (in its discretion) may direct the City Manager and City Attorney to execute a side letter agreement with the Riverbank Cannabis Collective for delivery operations under their current Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby determine and declare the following to said Development Agreement:

SECTION 1: Authorization of a side letter agreement No. 2 with the F.F.A. dba Riverbank Cannabis Collective to include allowing cannabis delivery operations within the jurisdiction of the City of Riverbank.

SECTION 2: Authorization of a side letter agreement No. 2 with the F.F.A dba Riverbank Cannabis Collective to be granted under a trial/pilot basis of one (1) year, with options for extension for the remainder of the current Development Agreement.

SECTION 3: Authorization of a side letter agreement No. 2 with the F.F.A dba Riverbank Cannabis Collective requires that their current security

plan on file be amended and transmitted to the City's Planning Department and Police Services to account for the delivery use.

SECTION 4: Authorization of a side letter agreement No. 2 with the F.F.A dba Riverbank Cannabis Collective requires Riverbank Cannabis Collective to adhere to the very specific regulations as detailed by the State Bureau of Cannabis Control.

AND BE IT FURTHER RESOLVED that the City Council of the City of Riverbank does hereby approve the City Attorney and City Manager to develop a side letter to the Agreement consistent to the aforementioned determinations and declarations by City Council.

AND BE IT FURTHER RESOLVED that the City Council of the City of Riverbank does hereby authorize the City Manager to execute the side letter agreement No. 2 to the Development Agreement, and further directs the City Clerk to have the side letter (referred to herein as **Exhibit A**) recorded by this Resolution as part of the Development Agreement, if so deemed required.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of September, 2019; motioned by _____, seconded by _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

APPROVED:

Richard D. O'Brien
Mayor

City Seal (here)

ATTEST:

Marisela H. Garcia
Asst. City Manager /Acting City Clerk

Attachments: Exhibit A - Side Letter Agreement No. 2
to be Recorded

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.4

SECTION 6: NEW BUSINESS

Meeting Date:	September 10, 2019
Subject:	Request for Waiver of Fees for Downtown Sip and Stroll Event
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council consider approving a request 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.

SUMMARY

Staff has received a request from the Downtown Riverbank Business Coalition for a fee waiver for fees associated with a street closure application. The street closure is requested to facilitate the 3rd annual "Sip and Stroll" event which is intended to showcase downtown businesses. The Sip and Stroll event concept includes inviting the community to the downtown to visit the local businesses. The Downtown Riverbank Business Coalition has teamed up with the Riverbank Federated Women's Club to apply for and acquire all necessary Alcohol Beverage Control (ABC) permits necessary. The local businesses will have beer and wine available for interested community members to enjoy while visiting the downtown businesses. Along Santa Fe Street a car club has been invited to attend and will have their show cars present for the community to view. The event will also feature entertainment, local vendors and food vendors. The event is scheduled for September 14th from 4PM-9PM. The requested street closure is Santa Fe Street from 3rd St to 4th St. If approved the streets will be closed, businesses will be notified prior to the event by the event organizer. The event organizers will be required to provide endorsements of appropriate insurance coverage, naming the City as additionally insured for the event.

Council may waive fees of these types of activities when it is found that there is a significant public benefit. The goal of this type of event is to draw attention to the downtown, and to promote economic activity in the downtown core area. Over the past 2 years the Sip and Stroll event has grown in popularity and has been very well received by the downtown area.

FINANCIAL IMPACT

Minor, total impact of fees and staff time is not expected to exceed \$150. If Council chooses to waive these fees

ATTACHMENTS None

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.5

SECTION 6: NEW BUSINESS

Meeting Date: September 10, 2019

Subject: Direction on the League of California Cities Annual Conference Resolutions

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. Resolution Number 1 will be referred to the Environmental Quality Policy Committee and the Transportation, Communication & Public Works Policy Committee. Resolution Number 2 will be referred to Environmental Quality Policy Committee. 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 Rancho Palos Verdes calls on the California Public Utility Commission to amend Rule 20A to add projects in very high fire hazard severity zones to the list of eligibility criteria and to increase funding allocations for Rule 20A projects.

The second resolution submitted by the San Diego County Division calls upon the State and Federal Governments to address devastating impacts of international transboundary pollution flows in the southernmost regions of California and the Pacific Ocean.

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 ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS”

In a nutshell the motivation behind this resolution is a reaction to the large number of fires (caused by electric utility providers) in recent years across the state. The Rule 20A program was designed to “allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit”. Typically Rule 20A projects consist of undergrounding overhead utility lines, many times as part of a traffic safety improvement to an existing area. There are specific criteria for a project to qualify for Rule 20A funding and fire safety is not an explicit criteria for these types of projects. Adding the potential for Rule 20A projects in very high fire hazard severity zones would allow for needed infrastructure projects in these areas where there is very little funding (other than locally) for these safety type projects. The resolution also calls on the CPUC to increase Rule 20A funding for projects. Although Riverbank is not in a typical area identified herein there is a public benefit to expanding the criteria as massive fire disasters impact all areas of the State from an economic perspective. More importantly the change has the potential to facilitate projects that could avoid the loss the life due to a massive fire disaster. The increase in Rule 20A funding could also potentially facilitate more undergrounding projects in Riverbank as there are many areas that still have traditional overhead power lines. See attached analysis and resolution for more background and detail.

Resolution Number 2: “A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN”

Areas such as the southern border of California, the New River (Imperial County) as well as the Tijuana River in San Diego County are “major sources of raw sewage, trash, chemicals, heavy metals and toxins that pollute local communities”. This pollution has created significant impacts for Southern California that include wide spread adverse impacts to beachfront area, farmland, and ongoing impacts to the Salton Sea. In addition, this pollution raises health concerns for residents of this area (both in California and Mexico). It is stated in the league analysis that the “root cause ... is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs”. It is anticipated that this problem will only increase as the North American Free Trade Agreement has led to significant economic growth in these areas which bring with it added pressures on existing insufficient water and wastewater infrastructure. The league resolution would directly call upon the State and Federal governments to address these impacts. Although this is not a localized issue to Riverbank statewide pollution concerns have consequences for all jurisdictions that may reverberate far beyond the borders discussed herein. The league

included in their analysis a minor language change designed to broaden the various approaches that could be taken to address these issues (see attached).

FINANCIAL IMPACT

No direct financial impact at this time.

ATTACHMENTS

- 1) Resolution 1, Background and Analysis by League
- 2) Resolution 2, Background and Analysis by League

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. [The Strike Force report](#) acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California [Government Code Section 51178](#) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](#).¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.

[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled "Conceptual Study for Undergrounding Utility Wires in Berkeley." found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study's recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley's city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills

The City of La Cañada Flintridge

The City of Laguna Beach

The City of Lakeport

The City of Malibu

The City of Moorpark

The City of Nevada City

The City of Palos Verdes Estates

The City of Rolling Hills Estates

The City of Rolling Hills

The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.



July 25, 2019
Page 2

For these reasons, we concur that the resolution should go before ~~the~~ General Assembly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Whalen", with a stylized, cursive script.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

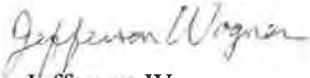
It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov





CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021

Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE
UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink, reading "Janice Parvin". The signature is fluid and cursive, with the first name "Janice" and last name "Parvin" clearly distinguishable.

Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



**City of
Rolling Hills Estates**

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 **Annual** Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's **Rule 20A** program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor



July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex D. McIntyre', with a long horizontal flourish extending to the right.

Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a scheduled meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities' San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an "impaired water body" because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River's low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government's defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.

Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding for environmental infrastructure on the U.S. – Mexico Border, including to the U.S.–Mexico Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE
Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in blue ink that reads "David Dale". The signature is written in a cursive, flowing style.

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,



Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia

Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer





AMANDA YOUNG RIGBY
CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

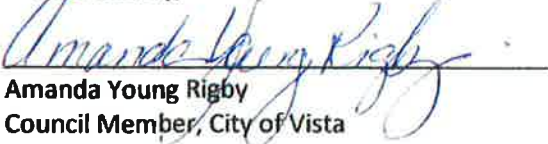
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



**CITY OF
LA MESA**
JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4838

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Martinez", written over a horizontal line.

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis



CITY OF SANTEE

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley