



**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, OCTOBER 8, 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.
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1. PRESENTATIONS

Item 1.1: Proclamation – Lights On Afterschool – October 8, 2019.

Item 1.2: Proclamation - Code Enforcement Officer Appreciation Week 2019.

Item 1.3: StanCOG Presentation on Measure L and Annual Audit Presentation.

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 September 10, 2019, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** Authorizing the City Manager to Execute an Agreement for Consultant Services with Alta Planning + Design to Complete a Bicycle and Pedestrian Active Transportation Plan for the City of Riverbank.

Item 3.D: Acceptance of the Riverbank Industrial Complex Dock Leveler Project and Authorization to File a Notice of Completion.

Item 3.E: Award Bid for the Claus Road Overlay Project to DSS Company dba Knife River Construction and Authorize Execution of Future Change Orders.

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

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

The public notice for Item 5.2 was published in the Riverbank News on 9/25/2019. Item 5.1 did not require a public notice.

Item 5.1: **Appeal Hearing to Consider a City Issued Administrative Citation for the Discharge of Illegal Fireworks** – It is recommended that the City Council consider the appeal request and any evidence presented by City Staff and the Appellant to determine and declare (by minute order) whether to uphold or reverse the Notice of Violation and related Administrative Citation issued by the City for violation of the Riverbank Municipal Code Section 92.30(B).

- Item 5.2:** **First Reading by Title Only and Reintroduction of a Revised 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 revised 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 October 22, 2019, for consideration of its adoption.

6. NEW BUSINESS

There are no items to consider.

7. COMMENTS/REPORTS

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

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

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

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, Oct. 22 @ 6:00 pm)

UPCOMING EVENTS:

Coming soon in October	• <u>Announcement and Recruitment to fill Planning Commission Vacancies</u> – (3) primary seats with 4-year terms, from January 2020 to December 2023; and (1) alternate seat with a 2-year term from January 2020 to December 2021.
2019 Canceled Regular City Council Meetings	• <u>City Council voted to cancel the following regular meetings:</u> - o July 9, 2019, August 13, 2019, November 26, 2019, and December 24, 2019.

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 3rd day of October, 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 5:00 p.m. on the day of the meeting 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: PRESENTATIONS

Meeting Date:	October 8, 2019
Subject:	Proclamation – Lights On Afterschool – October 8, 2019
From:	Sean Scully, City Manager
Submitted by:	Gaby Hernandez, Administrative Assistant-Confidential

RECOMMENDATION

It is recommended that the City Council read and present the Proclamation for Lights On Afterschool to Riverbank Unified School District Superintendent Mrs. Christine Facella. Receiving the Proclamation on Mrs. Facella's behalf is Program/Grant Manager Araseli Zamora.

SUMMARY

Afterschool programs offer many extracurricular opportunities for student enrichment including science, arts, physical activity, and community service. In addition, afterschool programs provide a safe and nurturing environment for students to remain in, while awaiting parents or caregivers to come pick them up at the end of the day. In the month of October, communities nationwide observe Lights On Afterschool to acknowledge the importance of afterschool programs for students. On Friday, October 25th, 2019, Riverbank Project A.C.T.I.O.N. Afterschool Care Together In Our Neighborhoods will be participating in the 20th Annual Lights On Afterschool event. This a free event for the Riverbank Community and will be held at California Avenue Elementary School, 3800 California Avenue, from 3:30 – 5:30 p.m.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Proclamation



**CITY OF RIVERBANK
PROCLAMATION**

LIGHTS ON AFTERSCHOOL

WHEREAS, Lights On Afterschool is a national celebration of Afterschool Programs and promotes the importance of quality Afterschool Programs in the lives of children, families, and communities; and

WHEREAS, Afterschool Programs provide safe, challenging, engaging, and enriching learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills; and

WHEREAS, Afterschool Programs support working families by ensuring children are safe and productive after the regular school day ends; and

WHEREAS, such programs help build stronger communities by involving students, parents, schools, business leaders, and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families, and adults; and

WHEREAS, Riverbank Unified School District, Project ACTION, Afterschool Care Together In Our Neighborhoods, is recognized in our schools and community as a fundamental Afterschool Program dedicated to providing extracurricular academic and recreational opportunities for student enrichment in a safe and nurturing environment so students may become diverse individuals.

NOW, THEREFORE, LET IT BE PROCLAIMED by the City Council of the City of Riverbank that Friday, October 25, 2019, is "Lights On Afterschool" within the City of Riverbank.

October 8, 2019

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	October 8, 2019
Subject:	Proclamation – National Code Enforcement Officer Appreciation Week 2019
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

No Action – Presentation Only

SUMMARY:

The State of California has proclaimed the second week of October as Code Enforcement Officer Appreciation Week. Code Enforcement Officers, or Neighborhood Improvement Officers as they are known in Riverbank, provide for the safety, health, and welfare of citizens through the enforcement of local, state, and federal laws and ordinances dealing with the various issues of building, zoning, housing, animal control, environmental, health, and life safety.

FINANCIAL IMPACT:

None



CITY OF RIVERBANK
PROCLAMATION

NATIONAL CODE ENFORCEMENT OFFICER APPRECIATION WEEK

WHEREAS, the State of California has proclaimed the 2nd week of October as Code Enforcement Officer Appreciation Week;

WHEREAS, Code Enforcement Officers provide for the safety, health, and welfare of Riverbank citizens through the enforcement of local, state, and federal laws and ordinances dealing with various issues of building, zoning, housing, animal control, environmental, health, and life safety;

WHEREAS, Code Enforcement Officers have challenging and demanding roles and often do not receive recognition for the job they do in improving the quality of life for residents and businesses of local communities;

WHEREAS, the role of many Code Enforcement Officers has expanded in recent years with jurisdictions increasingly relying on the expertise and training of Code Enforcement Officers in their communities;

WHEREAS, Code Enforcement Officers are dedicated, highly qualified, and highly trained professionals who share the goals of preventing neighborhood deterioration, enhancing communities, ensuring safety, and preserving property values through knowledge, training, and application of housing, zoning, and nuisance laws;

WHEREAS, Code Enforcement Officers often have a highly visible role in Riverbank and regularly interact with the public and a variety of federal, state, county, and local officials in their capacity as code enforcement officers;

WHEREAS, The City of Riverbank wants to recognize and honor the Code Enforcement Officers that serve our community and acknowledge their role in leading the way to improve quality of life within our community;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Riverbank hereby proclaims the second week of October in 2019, and annually thereafter, be known as Code Enforcement Officer Appreciation Week in the City of Riverbank; and

BE IT FURTHER RESOLVED that the City Council calls upon Riverbank residents to join in recognizing and expressing their appreciation for the dedication and service by the Neighborhood Improvement Officers who serve as our Code Enforcement Officers.

October 8, 2019

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.3

SECTION 1: PRESENTATIONS

Meeting Date:	October 8, 2019
Subject:	StanCOG Presentation on Measure L and Annual Audit Presentation
From:	Sean Scully, City Manager
Submitted by:	Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council receive the presentation.

SUMMARY

In November, 2016, Stanislaus County voters approved Measure L, a 25 year, ½ cent sales tax, that provides funding for local transportation improvements including, but not limited to: fixing potholes and maintaining streets; improving emergency response; providing safe routes to schools; providing senior, veterans and disabled shuttle services; and improving safety and reducing traffic congestion on Highway 99 and major streets.

Stanislaus County is now designated as a ‘Self-Help’ county along with 23 other counties in California with similar ballot measures. Self-Help Counties are able to maintain and improve their transportation systems, and are also more successful in competing for funding and leveraging a larger share of state and federal dollars.

Measure L includes strong taxpayer safeguards to ensure that projects and programs approved by voters are funded and delivered. The Measure L Oversight Committee provides an enhanced level of accountability for expenditures made under the Plan to ensure that all voter mandates are carried out and that the financial integrity and performance of the program is maintained.

An update of Measure L and the annual audit will be presented by StanCOG Executive Director Rosa De León Park.

STRATEGIC PLAN

Measure L funding to improve local streets and roads, provide transportation and connectivity, and reduce traffic congestion, enhances the quality of life for Riverbank residents and visitors of the community.

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 8, 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:	October 8, 2019
Subject:	Approval of the September 10, 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 September 10, 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. September 10, 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, SEPTEMBER 10, 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

A moment of silence was taken for former Councilmember / Vice Mayor Jeanine Tucker who passed away

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 – *No changes were made.*

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.

Vice Mayor Barber-Martinez declared a conflict with Item 6.4, Downtown Sip and Stroll [and would recuse herself from consideration of this Item.]

1. PRESENTATIONS

Item 1.1: Presentation on the Riverbank Security Camera Project.

Sarah Sevier and George Campos with QPCS made the presentation and responded to questions.

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.

Michael Mitnolte, INEX Stage Security business owner, spoke in regards to problems his business is having at the Riverbank Industrial Complex.

Leanne Jones Cruz, Riverbank, commented on the new formation of the Downtown Business Owners Coalition, the Sip and Stroll event, the successful implementation of a City Dog Park, an update on the Electronic signage, and recognition of former Councilmember Jeanine Tucker.

[Dianne Garcia] announced free mammograms will be offered at the Sip and Stroll event.

Terra Balonado, Riverbank, inquired about the City having a shredding event; Mayor O'Brien announced the upcoming October event.

3. CONSENT CALENDAR

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

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

Item 3.B: Approval of the August 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.

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A and 3.B as 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 were no items to consider.

5. PUBLIC HEARINGS

The public hearing notice for Item 5.1 was published in the Riverbank News on 01/11/2017.

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.

Planning and Building Manager Donna Kenney presented the staff report, and stated that language would be added to the ordinance to address noise nuisance.

City Council and Staff discussed the Item.

Mayor O'Brien opened the hearing at 6:34 p.m.

- Public comment:[Dianna Garcia] favored more vendors and business downtown, the small start-up fee, and inquired about having a food truck parked close to her business.*

Mayor O'Brien closed the hearing at 6:36 p.m.

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe / passed 5-0) to approve the first reading and introduction of the proposed Ordinance to initiate a second reading by title, adding the noise language, and consider its adoption on September 24, 2019, 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 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.

City Manager Sean Scully presented the staff report.

Mayor O'Brien opened the public hearing at 6:39 p.m.; no one spoke, the hearing was closed.

ACTION: *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve the continuance of the public hearing to the regular Council meeting of September 24, 2019. 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

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.

City Manager Sean Scully introduced the Item and Mr. Mike Svetz, Principal with PROS Consulting, who provided an overview of the process.

Public comment was made by Dianna Garcia who requested that the preparation of the surveys be in both English and Spanish.

Item 6.2: **Consider the Petition for Deferred System Development Fees from McRoy-Wilbur Communities and a Resolution [No. 2019-086] 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.

Planning and Building Manager Donna Kenney presented the staff report.

ACTION: *By motion moved and seconded (Campbell / Uribe / passed 5-0) to adopt Resolution No. 2019-086 to approve System Development Fees deferral of approximately \$26,140.50 per unit; to be paid prior to final inspection 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: **Consider a Request from Riverbank Cannabis Collective to Add Delivery Services to their Development Agreement and consider a Resolution [2019-087] 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.

*City Manager Sean Scully presented the staff report.
City Council and Staff discussed potential security issues.*

Public comments were made by: [Dianna Garcia, Riverbank Cannabis Collective Dispensary], commented on State regulations on deliveries, and stated drivers will be licensed security guards. John Dinan inquired about security carrying firearms, Ms. Garcia responded, no firearms. [Evelyn Halbert], commented on several inadequacies she viewed of the City's Code on cannabis, and the related Dispensary Development Agreement. Haskell Moore inquired about placing items on the agenda, and spoke against cannabis deliveries. Peter Alba spoke in favor of deliveries.

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez / passed 5-0) to adopt Resolution No. 2019-087 Option-1 to authorize the City Manager and City Attorney to create and execute a side letter agreement to the Riverbank Cannabis Collective Development agreement [Ordinance 2018-003] that would allow for delivery on a trial basis of cannabis within City limits 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 6.4: **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.

Vice Mayor Barber-Martinez recused herself from this Item due to a declared conflict, and existed the Chambers as 7:29 p.m.

City Manager Sean Scully presented the staff report.

Public comment was made by Leanne Jones Cruz, who thanked City Council for their consideration of the waiver.

ACTION: *By motion moved and seconded (Campbell / Fosi / passed 4-0) approve the waiver of associated City fees for street closure and use of public streets for the Downtown Sip and Stroll event as presented.
Motion carried by unanimous City Council roll call vote.
AYES: Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Vice Mayor Barber-Martinez returned to the dais at 7:33 p.m.

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.

City Manager Sean Scully presented the staff report.

Each League Resolution was consider and Council directed to have the City's Voting Delegate vote "no" on League Resolution No. 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; and Resolution No. 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.

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 provided an update on the Dog Park, and announced Staff's condolences to the family of former Councilmember Jeanine Tucker.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Uribe announced the Stanislaus County Homeless Alliance meeting.*
- *Council/Authority Member Campbell commented on the hazards of a large amount of geese and ducks at Morrill and Jackson, and the donation of [plastic] vegetable bags from the store for use of dog waste at the Dog Park.*
- *Vice Mayor/Chair Barber-Martinez reported on a webinar of what's new with commercial cannabis licensing, announced the dedication to fallen Officer Singh at Dutch Hollow Farms, and thanked staff for publishing the newsletter in Spanish.*

Item 7.3: Mayor/Chair – no comments.

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 – 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

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 7:48 p.m.

9. REPORT FROM CLOSED SESSION

Mayor/Chair O'Brien reconvened the meetings at 8:18 p.m.

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

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

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

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

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

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

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:19 p.m.

ATTEST: *(Adopted 10/08/2019)*

APPROVED:

Marisela H. Garcia
Asst. City Manager / Recorder

Richard D. O'Brien
Mayor / Chair

DRAFT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 8, 2019
Subject/ Title:	A Resolution Authorizing the City Manager to Execute an Agreement for Consultant Services with Alta Planning + Design to Complete a Bicycle and Pedestrian Active Transportation Plan for the City of Riverbank
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to enter into an agreement for consultant services with Alta Planning + Design to complete a Bicycle and Pedestrian Active Transportation Plan for the City of Riverbank.

BACKGROUND:

The City of Riverbank recognizes that walking and bicycling are important parts of daily transportation for residents, commuters, and visitors to the City. A Bicycle and Pedestrian Active Transportation Plan will address the City's needs to improve safety, access, and mobility for people of all ages and abilities throughout the city.

This master plan document will focus on non-motorized forms of travel, promote the use of pedestrian and bicycle facilities, identify challenges to the current non-motorized network, propose solutions for improvement, identify potential funding sources, and provide substantial conformance with the Stanislaus Council of Government's (StanCOG) Non-Motorized Plan and the City's General Plan. The City currently does not have (and has never had) an adopted ATP, Bicycle Master Plan, or Pedestrian Master Plan.

A majority of the City's residents have traditionally used personal vehicles as their primary form of transportation. In recent years there has been a growing interest from various stakeholders in alternative forms of transportation. The City has undertaken significant capital improvement projects with dedicated pedestrian and bicycle facilities. In addition, the City's located in a non-attainment area and the poor air quality is made worse through increased vehicle emissions, which results in negative environmental and health consequences. The City has been taking steps to address deficiencies within these non-motorized networks, but efforts have typically been segmented and solutions have been location-based without significant consideration of the network as a whole.

Connectivity of bicycle and pedestrian facilities remains a significant challenge. It is the City's goal that this project would actively solicit and encourage involvement of stakeholders in the development of the Bicycle and Pedestrian Active Transportation Plan, as well as ensure that the final document serves as a pragmatic tool for improvements, which accurately reflects the needs of the community. The plan will also be a valuable aid in attaining future grant funding as many state grants look for components of an ATP as part of their grant requirements.

STAFF SUMMARY:

The City of Riverbank issued a Request for Proposal (RFP) on August 7, 2019. The City received proposals from Alta Planning + Design, JB Anderson Land Use Planning, and TJKM Transportation Consultants by the due date of September 13, 2019. The three proposals were evaluated by Sean Scully, City Manager, Donna Kenney, Planning & Building Manager, and Kathleen Cleek, Development Services Administration Manager. The proposals were evaluated based on the consultant's responsiveness, qualifications, previous related work and references, strength of proposed scope of services and project budget.

Based on the evaluation criteria Alta Planning + Design scored the highest. Alta's expertise in putting together Active Transportation Plans for other cities, the quality of the plans, which include easily-readable maps, photographs, and narrative discussions, creative public involvement, and the total project cost.

Task 1 – Project Planning and Coordination will include a kick-off meeting, project coordination, and the development of a Bicycle and Pedestrian Active Transportation Plan Citizen Advisory Team.

Task 2 – Public Outreach and Promotion will include a community workshop, project website, social media and online communications, community survey and online input map.

Task 3 – Documentation of Conditions and Preparation of Base Map will include a review of current city plans, policies and reports, develop a vision, goals, policies, and action steps, compile and organize existing conditions and base maps, and a collision analysis.

Task 4 – Identify Grant Funding Opportunities.

Task 5 – Bicycle and Pedestrian Education and Safety will include a review of existing programs and program recommendations.

Task 6 – Recommended Bicycle and Pedestrian Network will include bicycle and pedestrian network recommendations, implementation strategy, priority concept plans, and design guidelines.

Task 7 – Draft and Final Plan will include refinement and review of plan concepts, preparation of administrative draft plan, prepare public review of draft plan, city council presentation and final draft and plan submission.

The kick-off meeting will be scheduled in October 2019 with the final draft and plan submission scheduled for June 2020. This is a very comprehensive plan that will identify specific projects that are needed in the community to assist pedestrians and bicyclists navigate through the community. The plan will take approximately eight months to complete and will rely heavily on the input of the Citizen Advisory Committee, the community and city departments.

ADDITIONAL OPTIONS:

Alta Planning + Design under Task 2 Public Outreach and Promotion listed an optional task to hold two (2) pop-up workshops at well-attended community events and gathering places. These events will propose several activities to engage residents on the streets and investigate opportunity and challenge areas directly with the community. These events will make it easier for the public to learn about and provide feedback input to the consultant. Possible pop-up events could be the Halloween Haunted Hayride, Christmas Parade & Craft Fair, Day of the Dead event put on by the Riverbank Unified School District or any other upcoming events where we can engage the public. The material for these events as well as all outreach will be in both English and Spanish with Spanish speaking staff attending all events.

FINANCIAL IMPACT:

The cost of services to complete the City of Riverbank's Bicycle and Pedestrian Active Transportation Plan is \$118,681. The optional task for the pop-up events is an additional \$5,358 for a total cost of \$124,039. The City of Riverbank's Local Transportation Fund (LTF) Non-Transit Claim for Fiscal Year 2018/2019, which Council approved on March 26, 2019 budgeted \$129,175 for the completion of this plan.

ATTACHMENTS:

1. Resolution
2. Consultant Services Agreement
3. Alta Planning + Design Proposal

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR CONSULTANT SERVICES WITH ALTA PLANNING + DESIGN TO COMPLETE A BICYCLE AND PEDESTRIAN ACTIVE TRANSPORTATION PLAN FOR THE CITY OF RIVERBANK

WHEREAS, the City of Riverbank authorizes the City Manager to enter into an agreement between the City of Riverbank and Alta Planning + Design to develop a Bicycle and Pedestrian Active Transportation Plan for the City of Riverbank; and

WHEREAS, the City of Riverbank recognizes that walking and bicycling are important parts of daily transportation for residents, commuters, and visitors to the City; and

WHEREAS, this plan shall focus on non-motorized forms of travel, promote the use of pedestrian and bicycle facilities, identify challenges to the current non-motorized network, propose solutions for improvements, identify potential funding sources, and provide substantial conformance with the Stanislaus Council of Government's Non-Motorized Plan and the City's General Plan; and

WHEREAS, at the March 26, 2019 Council meeting \$129,175 in the City of Riverbank's Local Transportation Funds Non-Transit Claim for Fiscal Year 2018/2019 was budgeted and approved to be used for a Bicycle and Pedestrian Active Transportation Plan; and

WHEREAS, the proposal submitted by Alta Planning + Design's total budget is \$118,681. With the addition cost of \$5,358 for optional task 2.5 Pop-up Events, the total cost for the plan will not exceed \$124,039.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank authorizes the City Manager to enter into and execute an agreement between the City of Riverbank and Alta Planning + Design to develop a Bicycle and Pedestrian Active Transportation Plan for the City of Riverbank.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 8th day of October, 2019; motioned by Councilmember ____, seconded by Councilmember ____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Marisela H. Garcia
Asst. City Manager / Recorder

APPROVED:

Richard D. O'Brien
Mayor

CONSULTANT SERVICES AGREEMENT

THIS CONSULTANT SERVICES AGREEMENT (“Agreement”) is made and entered into this 8th day of October 2019, (the “Effective Date”) by and between the City of Riverbank, a California municipal corporation (“City”), and Alta Planning + Design (“Consultant”). City and Consultant may herein be referred to individually as a “Party” and collectively as the “Parties”. There are no other parties to this Agreement.

RECITALS

A. City has [issued a request for proposals (“RFP”) for consultant services / determined that consultant services are required] for the preparation of the City of Riverbank Bicycle and Pedestrian Active Transportation Plan.

B. Consultant has submitted a proposal to City that includes a scope of proposed consultant services, attached hereto and described more fully in **Exhibit A** (“Services”).

C. Consultant represents that it is qualified, willing and able to provide the Services to City, and that it will perform Services related to the Project according to the rate schedule attached hereto and described more fully in **Exhibit A** (the “Project Costs”).

NOW, THEREFORE, in consideration of the promises and covenants set forth below, the Parties agree as follows:

AGREEMENT

1. Consulting Services. Consultant agrees, during the term of this Agreement, to perform the Services for City in connection with the Project. Any request for services in addition to the Services described in **Exhibit A** and will be considered a request for additional consulting services and not compensated unless the Parties otherwise agree in writing. No subcontract shall be awarded or an outside consultant engaged by Consultant unless prior written approval is obtained from City.

2. Compensation. City shall pay Consultant according to the fee schedule set forth in the Rates, as full remuneration for the performance of the Services. Consultant agrees to maintain a log of time spent in connection with performing the Services. On a monthly basis, Consultant shall provide City, in reasonable and understandable detail, a description of the services rendered pursuant to the Services and in accordance with the Rates. If the work is satisfactorily completed, City shall pay such invoice within thirty (30) days of its receipt. If City disputes any portion of any invoice, City shall pay the undisputed portion within the time stated above, and at the same time advise Consultant in writing of the disputed portion.

3. Reimbursement. City shall pay Consultant for reimbursable expenses related to travel, lodging, conference calls, reproduction and other costs incurred related to Consultant’s performance of the Services. Such reimbursable costs shall be invoiced and billed to the City on a

monthly basis, provided that in no event shall reimbursable expenses exceed that what is included in the costs listed in **Exhibit A with Optional Tasks 2.5**.

4. Confidential Information. Consultant understands and agrees that, in the performance of Services under this Agreement or in the contemplation thereof, Consultant may have access to private or confidential information that may be owned or controlled by City and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to City ("Confidential Information").

Consultant shall not, either during or after the Term, disclose to any third party any Confidential Information without the prior written consent of City. If City gives Consultant written authorization to make any such disclosure, Consultant shall do so only within the limits and to the extent of that authorization. Such authorization does not guarantee that the City will grant any further disclosure of Confidential Information. Consultant may be directed or advised by the City Attorney on various matters relating to the performance of the Services on the Project or on other matters pertaining to the Project, and in such event, Consultant agrees that it will treat all communications between itself, its employees and its subcontractors as being communications which are within the attorney-client privilege.

5. Term. This Agreement shall become effective on the Effective Date and will continue in effect until the Services provided herein have been completed, unless terminated earlier as provided in Section 6 or 7 below (the "Term").

6. Termination. City may terminate this Agreement prior to the expiration of the Term ("Termination"), without cause or reason, by notifying Consultant in writing of City's desire to terminate this Agreement (the "Termination Notice"). Upon receipt of a Termination Notice, Consultant shall immediately cease performing the Services. Consultant will be entitled to compensation, as of the date Consultant receives the Termination Notice, only for Services actually performed.

7. Termination for Cause. Notwithstanding Section 6 above, this Agreement may be terminated by City for cause based on the loss or suspension of any licenses, permits or registrations required for the continued provision of the Services, or Consultant's malfeasance. Termination of the Agreement for cause as set forth in this Section shall relieve City from compensating Consultant.

8. Performance by Key Employee. Consultant has represented to City that Michael Svetz will be the person primarily responsible for the performance of the Services and all communications related to the Services. City has entered into this Agreement in reliance on that representation by Consultant.

9. Property of City. The following will be considered and will remain the property of City:

A. Documents. All reports, drawings, graphics, working papers and Confidential Information furnished by City in connection with the Services ("Documents").

Nothing herein shall be interpreted as prohibiting or limiting City's right to assign all or some of City's interests in the Documents.

B. Data. All data collected by Consultant and produced in connection with the Services including, but not limited to, drawings, plans, specifications, models, flow diagrams, visual aids, calculations, and other materials ("Data"). Nothing herein shall be interpreted as prohibiting or limiting City's right to assign all or some of City's interests in the Data.

C. Delivery of Documents and Data. Consultant agrees, at its expense and in a timely manner, to return to City all Documents and Data upon the conclusion of the Term or in the event of Termination.

10. Duties of City. In order to permit Consultant to render the services required hereunder, City shall, at its expense and in a timely manner:

A. Provide such information as Consultant may reasonably require to undertake or perform the Services;

B. Promptly review any and all documents and materials submitted to City by Consultant in order to avoid unreasonable delays in Consultant's performance of the Services; and

C. Promptly notify Consultant of any fault or defect in the performance of Consultant's services hereunder.

11. Representations of Consultant. City relies upon the following representations by Consultant in entering into this Agreement:

A. Qualifications. Consultant represents that it is qualified to perform the Services and that it possesses the necessary licenses, permits and registrations required to perform the Services or will obtain such licenses or permits prior to the time such licenses or permits are required. Consultant represents and warrants to City that Consultant shall, at Consultant's sole cost and expense, keep in effect or obtain at all times during the Term of this Agreement, any licenses, permits, and registrations that are legally required for Consultant to practice Consultant's profession at the time the Services are rendered.

B. Consultant Performance. Consultant represents and warrants that all Services under this Agreement shall be performed in a professional manner and shall conform to the customs and standards of practice observed on similar, successfully completed projects by specialists in the Services to be provided. Consultant shall adhere to accepted professional standards as set forth by relevant professional associations and shall perform all Services required under this Agreement in a manner consistent with generally accepted professional customs, procedures and standards for such Services. All work or products completed by Consultant shall be completed using the best practices available for the profession and shall be free from any defects. Consultant agrees that, if a Service is not so performed, in addition to all of its obligations under this Agreement and at law, Consultant shall re-perform or replace unsatisfactory Service at no additional expense to City.

12. Compliance with Laws and Standards. Consultant shall insure compliance with all applicable federal, state, and local laws, ordinances, regulations and permits, including but not limited to federal, state, and county safety and health regulations. Consultant shall perform all work according to generally accepted standards within the industry. Consultant shall comply with all ordinances, laws, orders, rules, and regulations, including the administrative policies and guidelines of Client pertaining to the work.

13. Independent Contractor; Subcontracting. Consultant will employ, at its own expense, all personnel reasonably necessary to perform the Services. All acts of Consultant, its agents, officers, employees and all others acting on behalf of Consultant relating to this Agreement will be performed as independent contractors. Consultant, its agents and employees will represent and conduct themselves as independent contractors and not as employees of City. Consultant has no authority to bind or incur any obligation on behalf of City. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever. Consultant is prohibited from subcontracting this Agreement or any part of it unless such subcontracting is expressly approved by City in writing.

14. Insurance. Consultant and all of Consultant's contractors and subcontractors shall obtain and maintain insurance of the types and in the amounts described in this paragraph and its subparagraphs with carriers reasonably satisfactory to City.

A. General Liability Insurance. Consultant shall maintain occurrence version commercial general liability insurance or an equivalent form with a limit of not less than Two Million Dollars (\$2,000,000) per claim and Two Million Dollars (\$2,000,000) for each occurrence.

B. Workers' Compensation Insurance. Consultant shall carry workers' compensation insurance as required by the State of California under the Labor Code. Consultant shall also carry employer's liability insurance in the amount of One Million Dollars (\$1,000,000.00) per accident, with a One Million Dollar (\$1,000,000.00) policy limit for bodily injury by disease, and a One Million Dollar (\$1,000,000.00) limit for each employee's bodily injury by disease.

C. Errors and Omissions Liability. Consultant shall carry errors and omissions liability insurance in the amount of no less than One Million Dollars (\$1,000,000.00) per occurrence or greater if appropriate for the Consultant's profession. Architects and engineers coverage is to be endorsed to include contractual liability. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions with respect to the City, elected and appointed councils, commissions, directors, officers, employees, agents, and representatives ("City's Agents"); or the Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claims administration and defense expenses.

D. Other Insurance Requirements. Within five (5) days of the Effective Date, Consultant shall provide City with certificates of insurance for all of the policies required under this Agreement (“Certificates”), excluding the required worker’s compensation insurance. Such Certificates shall be kept current for the Term of the Agreement and Consultant shall be responsible for providing updated copies and notifying City if a policy is cancelled, suspended, reduced, or voided. With the exception of the worker’s compensation insurance, all of the insurance policies required in this Agreement shall: (a) provide that the policy will not be cancelled, allowed to expire, or materially reduced in coverage without at least thirty (30) days’ prior written notice to City of such cancellation, expiration, or reduction and each policy shall be endorsed to state such; (b) name City, and City’s Agents as additional insureds with respect to liability arising out of Services, work or operations performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, occupied, or used by the Consultant, or automobiles owned, leased, or hired or borrowed by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City; (c) be primary with respect to any insurance or self-insurance programs covering City or City’s Agents and any insurance or self-insurance maintained by City or City’s Agents shall be in excess of Consultant’s insurance and shall not contribute to it; (d) contain standard separation of insured provisions; and (e) state that any failure to comply with reporting or other provisions of the policy including breaches of warranties shall not affect the coverage provided to the City.

15. Indemnification. Consultant hereby agrees to indemnify and hold harmless City, its agents, officers, employees and volunteers, against all liability, obligations, claims, loss, and expense (a) caused or created by Consultant, its subcontractors, or the agents or employees of either, whether negligent or not, pertaining to or related to acts or omissions of Consultant in connection with the Services, or (b) arising out of injuries suffered or allegedly suffered by employees of Consultant or its subcontractors (i) in the course of their employment, (ii) in the performance of work hereunder, or (iii) upon premises owned or controlled by City. Consultant’s obligation to defend, indemnify and hold City and its agents, officers, employees and volunteers harmless is not terminated by any requirement in this Agreement for Consultant to procure and maintain a policy of insurance.

16. Consequential Damages. Notwithstanding any other provision of this Agreement, in no event shall City be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the Services performed in connection with this Agreement.

17. Litigation. In the event that either Party brings an action under this Agreement for the breach or enforcement hereof, or must incur any collection expenses for any amounts due hereunder the prevailing Party in such action shall be entitled to its costs including reasonable attorney’s fees, whether or not such action is prosecuted to judgment.

18. Notices. Any notice or communication required hereunder between City or Consultant must be in writing, and may be given either personally, by registered or certified mail (return receipt requested), or by Federal Express, UPS or other similar couriers providing overnight

delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. Notices given by registered or certified mail shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, (b) on the date delivered as shown on a receipt issued by the courier, or (c) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the addresses in this paragraph set forth below:

If to City:	City of Riverbank 6707 Third Street Riverbank, CA 95367 Attn: Kathleen Cleek
With courtesy copies to:	City of Riverbank 6707 Third Street Riverbank, CA 95367 Attn: City Manager
And to:	Churchwell White LLP 1414 K Street, 3rd Floor Sacramento, California 95814 Attention: Douglas L. White, Esq.
If to Consultant:	Alta Planning + Design 304 12 th Street, Suite 2A Oakland, CA 94607 Attention: Brett Hondorp, President

19. General Provisions.

A. Modification. No alteration, modification, or termination of this Agreement shall be valid unless made in writing and executed by all Parties.

B. Waiver. The waiver by any Party of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

C. Assignment. No Party shall assign, transfer, or otherwise dispose of this Agreement in whole or in part to any individual, firm, or corporation without the prior written

consent of the other Party. Subject to the forgoing provisions, this Agreement shall be binding upon, and inure to the benefit of, the respective successors and assigns of the Parties.

D. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of California.

E. Venue. Venue for all legal proceedings shall be in the Superior Court of California for the County of Stanislaus.

F. Partial Invalidity. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

G. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which shall be deemed a single agreement.

H. Severability. If any term, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall remain in effect.

I. Audit. City shall have access at all reasonable times to all reports, contract records, contract documents, contract files, and personnel necessary to audit and verify Consultant's charges to City under this Agreement.

J. Entire Agreement. This Agreement sets forth the entire understanding between the Parties as to the subject matter of this Agreement and merges all prior discussions, negotiations, proposal letters or other promises, whether oral or in writing.

K. Headings Not Controlling. Headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.

L. Time is of the Essence. Time is of the essence in this Agreement for each covenant and term of a condition herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the last day and date below written.

CITY:

CITY OF RIVERBANK, a California
municipal corporation

By: _____
Sean Scully, City Manager

Date: _____

Approved as to Form:

Tom Hallinan, City Attorney

CONSULTANT:

Alta Planning + Design

By: _____

Name: _____

Date: _____

EXHIBIT A

Services

PROPOSED

PROPOSAL FOR THE CITY OF RIVERBANK

BICYCLE AND PEDESTRIAN ACTIVE TRANSPORTATION PLAN

September 13th, 2019



PREPARED BY:
Alta Planning + Design

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Cover Letter

304 12th Street, Suite 2A
Oakland, CA 94607
(510) 540-5008
www.altaplanning.com



September 13th, 2019

Attn: Kathleen Cleek, Development Services Admin. Manager
City of Riverbank
Development Services Department
6707 Third Street
Riverbank, CA 95367

RE: Request for Proposals for the City of Riverbank Bicycle and Pedestrian Active Transportation Plan

Dear Ms. Kathleen Cleek and Members of the Selection Committee:

Alta Planning + Design, Inc. (Alta) is pleased to submit this proposal for the City of Riverbank's Bicycle and Pedestrian Active Transportation Plan. We are excited to see the City advancing opportunities for residents to use active modes of transportation for daily trips, including those to school, work, and other community destinations as well as for recreation. Our team understands that the goals for this project are to create a plan that charts a comprehensive and visionary path for the City's long range future for active transportation travel; reduces the region's single occupancy vehicle dependency, while improving air quality, and supports Riverbank's small town character. Alta's team offers the following advantages:

Local Experience: Alta has led active transportation plans for smaller communities throughout the Central Valley of California, including recent efforts in Oakdale and Joaquin County. We are also managing the City of Modesto's update to their Non-Motorized Transportation Plan.

National Bicycle and Pedestrian Expertise: Alta is the leading active transportation and design firm in California. We led Caltrans' first Statewide Bicycle and Pedestrian Master Plan in 2017 and recently helped the Federal Highway Administration (FHWA) develop the *Small Town and Rural Street Multimodal Streets Guide*, which provides facility design guidance to improve conditions for vulnerable road users, drawing from the experience of innovative rural communities from across North America that are leading efforts to construct low-cost networks that make walking and cycling safe, comfortable, and enjoyable.

Implementation and Funding Know-How: Our team of experienced planners, engineers, designers, and GIS staff draw on experience implementing similar projects to develop thoughtful recommendations. Over the past 23 years, Alta has helped clients obtain hundreds of millions of dollars in public and private funding to realize big visions for transportation projects and entire networks.

Strong Project Management: As Principal-in-Charge, I will oversee the Alta team's work on this critical project. Our Project Manager, Otto Melara, is a planning associate with experience in developing active transportation master plans for a wide array of California cities. Otto is managing our work in Modesto and brings experience in bilingual community engagement. He will lead our multi-disciplinary team with his expertise in planning, public outreach and technical analysis.

We are excited to work with the City of Riverbank and other stakeholders to develop a forward-thinking, inclusive, and context-appropriate Active Transportation Plan for the City. Should you have any questions regarding our proposal, please contact me at (510) 788-6871 or bretthondorp@altaplanning.com.

Sincerely,

A handwritten signature in black ink that reads "Brett Hondorp".

Brett Hondorp, President
Alta Planning + Design
Authorized to bind the firm to the proposal

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Firm Description

Alta Planning + Design

Alta's mission is to create active communities.

Alta Planning + Design is North America's leading multimodal transportation firm that specializes in the planning, engineering, and implementation of Active Transportation Planning.

Active Transportation Planning

Our approach to transportation planning integrates expert planning, design, and land use to create opportunities for people to choose bicycling and walking for recreation and transportation.

Our planning process includes documenting existing conditions and needs through easily-readable maps, photographs, and narrative discussion, conducting extensive field work on bicycle and on foot, and engaging stakeholders through committee meetings and facilitation. Other key tasks include developing short- and long-term project and program recommendations, identifying funding strategies, preparing development code language to leverage improvements through new development, and developing implementation plans to clearly map where communities should focus their investments first.

Our master plans are user-friendly and comprehensive, and include:

- Clear graphic analysis and format
- Needs analysis and system use
- Cross sections, sketches, preliminary engineering
- Implementation planning
- Creative, effective public involvement
- Grant application writing

Bilingual Community Outreach

Through our straightforward communication style and native Spanish speaking staff, we are able to produce outreach strategies and successful designs and plans that meet the needs of the community. Alta's professionals are experts at listening to the public, conveying technical issues in a clear manner, offering distinct choices and options to the public, and explaining trade-offs. Our outreach process is inclusive, interactive, and productive. We use a variety of innovative techniques, ranging from online surveys, the use of photo-simulation to show how options will look, videotaped interviews, field reviews, GIS mapping, and interactive public workshops. We make contact with the community early and build confidence by addressing specific issues with a documented approach.

Firm Size: 30 offices, 200+ employees

Areas of Specilization: Safe Routes to School planning and design, safety education and training, active transportation master plans, landscape architecture, transportation engineering, bicycle/pedestrian facility design, economic evaluation of transportation projects, demand modeling, collision analytics, bicycle parking, signage and wayfinding plans, GIS, public engagement and marketing services

Corporate Headquarters: 711 SE Grand Ave, Portland, OR 97214

Local Office: 304 12th St Suite 2A, Oakland, CA 94607, 24 employees

Active Transportation Analytics

Alta provides clients with analysis tools customized to help understand active transportation connectivity, demand, health, and safety needs. Over the past two decades, Alta has pioneered the development of tools to analyze and communicate the benefits of active transportation. These include models to estimate who is likely to bike or walk and why, analyses that help capture and convey the benefits of active transportation investments to health and the economy, and visualization techniques that help convey all of this technical analysis in a clear and compelling fashion. From our advancement of the national bicycle and pedestrian count program and a standardized method for estimating active transportation demand, to our cutting-edge suitability and economic impact analyses, we are committed to providing our clients with the most advanced active transportation analytics tools available.

Safe Routes to School Expertise

Alta offers over 18 years of experience as a firm leading Safe Routes to School (SRTS) programs, as well as a wide range of management and program development services related to school transportation. Our experience ranges from managing citywide encouragement programs, to conducting school walking audits and recommending engineering improvements, to conducting surveys and mode shift analysis. Our staff are recognized national leaders in all aspects of Safe Routes to School, from planning and engineering to program services and research. Alta is exceptionally skilled at integrating all six “E’s”—engineering, education, enforcement, encouragement, evaluation, and equity—in a holistic manner to increase walking and bicycling to schools.

Graphic Design

Our graphic designers have decades of experience in collateral design and large-scale production, much of it focused on transportation projects and programs. This team also possesses skills in GIS mapping and cartography, landscape architecture, wayfinding and signage planning, and social marketing. We produce beautiful, functional, and easy-to-use maps and signs. This team is also proficient with copy writing and communications, collateral design and production, and print management.

Website Development and Interactive Online Communication

Alta’s team of in-house web developers and graphics experts focus solely on developing websites, online campaigns, and interactive web-based engagement resources for transit and active transportation projects. Our team has developed hundreds of websites to engage and inform audiences, collect public comments, share collateral and documents, and advertise upcoming events. Alta has developed technical, transportation-focused web content for cities, regional planning agencies, and stakeholders. Our team excels at communicating public process information and transportation news in creative and engaging formats through expertly applied web standards and technologies, accommodation of end-user functionality, and design creativity.

Data Collection

Understanding where people walk and bike is critical to improving local walking and biking networks. Collecting counts, conducting surveys, and developing inventories of field conditions by way of on-the-ground efforts or online engagement tools can provide insights into collision data, help track the performance of infrastructure projects and programs, and inform decision making processes. Alta combines a deep understanding of available data sources, data collection methods, and public engagement to create community-specific performance measures. Whether it’s setting up a process to evaluate progress towards statewide active transportation goals or measuring the day-to-day influence of a tactical urbanism project, we can help your community measure the performance of bicycle and pedestrian projects.



Alta Principal-in-Charge **Brett Hondorp, AICP, LCI** will lead coordination of project tasks, working directly with the City and project stakeholders as point-of-contact. Project Manager **Otto Melara** will provide project guidance, quality control, and review.

The Alta team includes additional highly-qualified planners, engineers, designers, and outreach specialists who are passionate about improving active transportation networks, awareness, and culture. We believe our strong project management and high level of customer service approach will address the goals of the project effectively and efficiently and provide a high-quality plan.

Alta's key staff have the time and capacity to complete this project in accordance with our proposed schedule of work. All key staff members will be available and perform the services described throughout the life of the project.

Full resumes for proposed project staff may be found in Appendix: Staff Resumes.

Key Staff

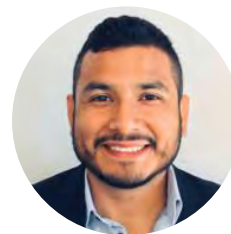


Brett Hondorp, AICP, LCI

Principal-in-Charge

Oakland, CA

Brett will serve as Alta's Project Manager and Principal, meeting day-to-day project needs and collaborating with the City and project stakeholders to facilitate appropriate task progress. Brett is President of Alta Planning + Design, and brings more than 20 years of multimodal planning and design experience. Considered one of the foremost bicycle and pedestrian experts in California, Brett leads many of Alta's most complex and high profile active transportation planning projects. He has led numerous technical trainings for local agency staff.



Otto Melara

Project Manager

Oakland, CA

Otto has a background in outreach, community planning, and engineering. He has worked with local municipalities, community groups, and non-profit organizations, aiming to create seamless pedestrian, bicycle, and transit networks while bolstering the character and identity of communities. Otto is a native Spanish speaker who is fluent in both English and Spanish and is experienced with translation and interpretation of English to Spanish for professional planning content and in public-oriented settings.



Beth Martin
Senior Planner
Oakland, CA

Beth is an urban planner who enjoys collaborating with people, and working to improve their interactions with natural and built environment. Beth's background working with teens has given Beth experience building collaborative relationships and creating conflict resolution spaces. Beth brings to the table experience in public engagement processes, policy research and writing, facilitating groups and program coordination.



Lisa Schroer
GIS Analyst
Oakland, CA

Lisa is a geographer with a passion for spatial analysis and cartographic design. She has prepared public health data, produced risk and cluster analysis maps, created web-mapping applications, and provided GIS user support and training. Lisa specializes in geographic data analysis, cartographic design, and web-mapping. Lisa has contributed to over two dozen active transportation plans in the Bay Area, helping clients leverage data and analytics to produce beautiful maps that help tell the story of active transportation in their communities.



Zane Taylor
Web Developer
Portland, OR

Zane is an accomplished web engineer with over a decade of experience in interactive design and development. He has created web sites, platforms, applications, and tools for a wide array of small businesses, non-profits, and public agencies, and specializes in user experience, interface development, and cross-platform digital strategy.



Jose Palma
Planner
Oakland, CA

Jose has a background in community outreach, planning, engineering, and Transportation Demand Management (TDM). Jose is a native Spanish speaker and strives to create an inclusive environment where planners, engineers, and community members can work together to build a more sustainable and equitable future.



Joe Paull, EIT
Engineer
Oakland, CA

Joe's experience includes a combination of civil engineering, traffic engineering, and transportation design. Joe's experience in construction inspection also grants him a unique insight into the value of constructability of engineering solutions. He has recently provided civil and traffic engineering support for road diet assessments and concept development; traffic impact studies; trail feasibility studies; access planning for pedestrians, bicyclists and people with disabilities; parking impact evaluations and mitigations; and area-wide master planning.



Cat Cheng
Graphic Designer
Portland, OR

Cat is a graphic designer with fifteen years of experience in print and brand identity. She brings fresh concepts and thoughtful typography to print and web for Alta's marketing campaigns and programs, and has worked on numerous projects involving strategy, concept development, wayfinding, signage, promotional materials and branding, and print production/management. Her design experience and skills allow her to efficiently take a concept from inception to completion with lasting and memorable results. Whether developing a brand from scratch or working within an existing brand, Cat's friendly and approachable design style resonates with diverse clients and audiences across the country. Her work has been featured in the Communication Arts Design Annual.



Project Understanding

The City of Riverbank seeks to develop a comprehensive walking and bicycling network that reflects the character of Riverbank as a small town, encourages more active lifestyles, and helps reduce air pollution by giving residents a viable alternative to driving for every trip purpose. Riverbank recognizes in its General Plan that an exclusive focus and prioritization of vehicular traffic has “drastic implications for neighborhood character.” This Active Transportation Plan will provide a path to further realize your General Plan’s guiding principles that:

- Your streets and public spaces should be designed with people in mind, not only for the convenience of cars
- You will design your community so that people can walk, bicycle, or use public transit if they choose not to drive
- Every child should be able to safely walk or bike to school (Riverbank General Plan 2005-2025, Adopted April 2009)

We will work closely with staff and key stakeholders to develop a plan that reflects these principles and character of Riverbank with an eye toward quick wins and swift implementation. Riverbank is the “City of Action” and this plan will help the city live up to its name.

TEAM AND APPROACH

The Alta team will provide extensive and engaged community outreach, robust analysis methodologies, and a focus on implementation. The Alta team will be led by Principal-in-Charge Brett Hondorp, who oversaw the California State Bicycle and Pedestrian Plan, and

Project Manager Otto Melara, who currently manages the City of Modesto’s Non-Motorized Transportation Plan, several bicycle and pedestrian plans throughout the Bay Area, and Alta’s northern California bi-lingual outreach efforts. Brett and Otto will be supported by active transportation planners, engineers, data analysts, and graphic designers all trained in developing compelling and clearly articulated bicycle and pedestrian plans.

EXPERIENCE

Alta has extensive experience working with local, county, and regional agencies in California’s Central Valley, including the City of Modesto, City of Oakdale, City of Stockton, City of Turlock, City of Coalinga, San Joaquin County, Glenn County, Plumas County, El Dorado County, and the Calaveras Council of Governments. We understand the unique challenges and opportunities you face identifying active transportation facilities that work in rural and commuter contexts. We also understand the rural and agriculturally driven nature of the county and consider needs for agricultural goods movement. Our staff will work with you to develop a comprehensive plan that establishes eligibility for state funding. Alta has helped our clients win millions in state Active Transportation Program funds. The plan will set your community up to be competitive for this and many other funding sources.

METHODOLOGY SNAPSHOT

Rooted in a thorough review of prior local and regional plans and projects, existing conditions, needs assessment, and targeted community and stakeholder outreach and engagement, the active transportation plan will establish a forward-thinking vision complemented by specific network recommendations that will enhance the City's non-motorized network.

Understanding the walking and bicycling needs and shaping a community vision for active transportation requires listening to community members, collecting and analyzing safety trends, identifying gaps in the network, and the barriers that prevent more people from walking or biking. Alta will work to establish a core network of streets that are comfortable for all ages and abilities. Using the latest Caltrans approved designs, Alta will propose context appropriate and feasible solutions. Where tradeoffs are required, such as the reallocation of parking or a road diet on streets with excess capacity, we will note them for staff and community feedback. The pedestrian network starts with a comprehensive sidewalk network, supported by comfortable and conveniently located crossings. Alta will look for gaps in the network, uncontrolled intersections, instances of high rates of severe and fatal pedestrian collisions, and supporting infrastructure like shade trees, lighting, wayfinding, and transit stop amenities. Downtown Riverbank is the social and cultural heart of your community. Special attention to streetscape design will be reviewed to make sure access to and circulation within downtown is prioritized for people walking.

Having a strong basis in community-identified needs and data analysis will result in a strategy for infrastructure, policy, and program improvements tailored to Riverbank. Recommendations will then be prioritized to achieve the greatest impact at the least cost.

The work program presented below will result in a plan that meets Caltrans Active Transportation Program guidelines. Alta's extensive active transportation experience throughout California enables us time and cost saving efficiencies throughout all phases of work.



Scope of Services

Task 1 Project Planning and Coordination

TASK 1.1 KICK-OFF MEETING

The Alta team will plan and facilitate a project kick-off meeting to clarify the project scope, background, expectations, and measures of success. Alta will prepare the agenda and meeting notes. Recommended objectives for the kick-off meeting include:

- Establish communication channels and protocols
- Review project objectives
- Refine project work plan and schedule
- Identify known preliminary issues

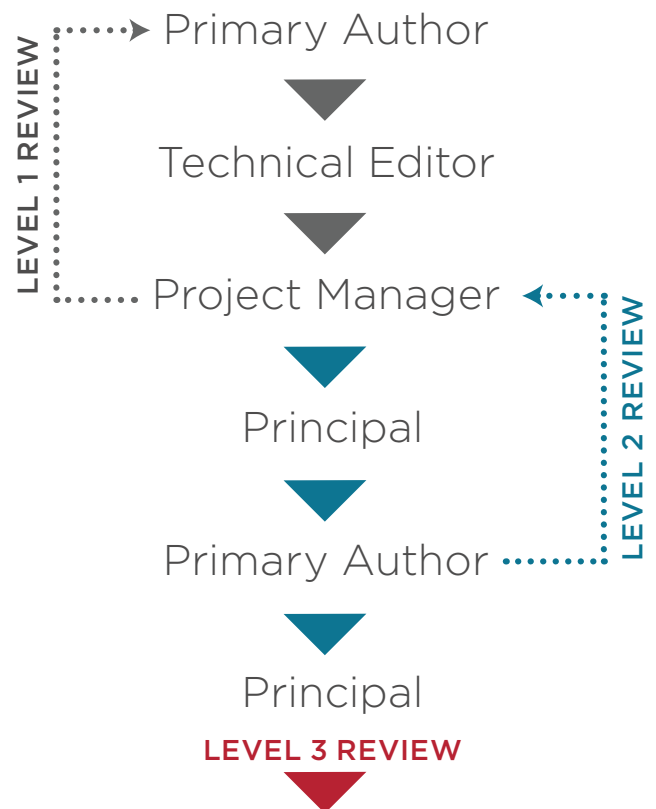
TASK 1.2 PROJECT COORDINATION

Throughout the project, there will be ongoing coordination between the Alta team and Riverbank City Staff. Alta Project Manager, Otto Melara, will be in regular communication with the City Project Manager – including email, phone, and written communications to keep the City apprised of progress. Alta's overall project management services will include:

General project management. Alta will administer the project contract, coordinate personnel, prepare and maintain the project schedule and budget, and prepare invoicing.

Quality assurance and quality control. Each of our submittals will be reviewed by the Principal-in-Charge and a copy editor to see that the City quality standards are met. We utilize senior level staff for all submittal reviews, and clearly communicate project requirements to the entire project team so all team members understand the project expectations.

Project schedule. We will prepare and maintain a project schedule throughout the life of the project. The schedule will be used as a tool to manage the project and updated as the specific milestones are achieved.



Client Review of Final Product

The Alta team employs a three-tier quality control system which, coupled with our ATP experience, will facilitate the highest level of QA/QC for the project.

Project update calls. We will coordinate regular project update calls and meetings to review project status and schedule milestone updates. Standing bi-weekly phone calls between Alta and the City help keep active tasks on schedule. If no tasks are currently active during the course of the contract, we propose to conduct monthly calls. In-person meetings will be conducted as appropriate to each task, but not less than quarterly. This will make certain that open communication and prompt response to City staff.

Monthly progress reports. In addition to the bi-weekly calls, Alta will provide monthly project status reports that will include:

- Task deliverable status, budget spent, budget remaining
- Schedule status
- Deliverables submitted
- Deliverables to be submitted in the next month

Meeting notes. The Alta project manager will provide a high-level summary of each meeting, including action items that emerged from the meeting.

TASK 1.3 BICYCLE AND PEDESTRIAN ACTIVE TRANSPORTATION PLAN CITIZEN ADVISORY TEAM

Alta will develop, through active promotion and advertising, an ATP Citizen Advisory Team comprised of various stakeholders and interested citizens willing to volunteer their time to provide input and oversight throughout the duration of the project. This team would serve in a volunteer capacity and meet regularly to review project updates, provide feedback, and along with City staff assist Alta staff in meeting project goals. With input from City staff, Alta will establish manage the details of this team's involvement, such as their titles, duties, roles and frequency or method of meeting.

Immediately upon award of contract, Alta will start directly contacting stakeholders with an interest in pedestrian and bicycle facilities within the region. These stakeholders shall include, but are not limited to City staff, police services, school district's staff, representatives from service organizations, disabled residents, senior citizens, businesses, neighborhood leaders, residents, local bicycle and running clubs, Stanislaus County Transit (Start) and other interested groups.

In addition to contacting specific stakeholders, Alta will begin specifically promoting opportunities for citizen involvement using general promotion efforts upon award of contract. These efforts shall include, but are not limited to, public notices as follows:

- A total of ten (10), full-color flyers (8.5" x 11 ") provided to the City for posting on the interior of the Start buses and local bicycle establishments
- A public notice provided to the Riverbank City Clerk for posting at City Hall
- A public notice advertised in the Riverbank News, with an additional public notice posted two weeks later
- A public notice posted to an Alta-created project website which can be used throughout the duration of the project

Task 1 Deliverables:

- » Kick-off meeting (agenda, goals, agreements, and schedules) and meeting notes
- » Bi-weekly project update calls
- » Monthly progress reports
- » Up to three (3) Citizen Advisory Team meetings and meeting materials
- » Promotional materials for citizen involvement in the planning process



Alta maintains open lines of communication and will provide strong, experienced project management team with the City and community stakeholders.

Task 2 Public Outreach and Promotion

The Alta team will promote and advertise the project, as well as solicit input from members of the general public and key stakeholders throughout the duration of the project. These efforts shall include:

- Providing contact information for an Alta team member who will serve as a contact for project-related questions and comments from the general public; this information will be made readily available on advertising and promotional materials. This team member may or may not be the same person identified as the project manager.
- Comply with standard public noticing requirements as provided by the Riverbank City Clerk's office.

TASK 2.1 COMMUNITY WORKSHOP

Alta will facilitate a community workshop, to be held in the evening on a weekday, to review the draft document, identify project priorities, and solicit feedback from the community. Beginning thirty (30) days prior to the scheduled workshop, Alta will engage in a concerted public outreach effort using flyers, public notices, the project website, and social media to advertise the event and encourage participation.

Alta will incorporate multiple methods of interaction into the community workshop. Alta will develop flyers, draft agenda, presentation materials, maps, methods to gather input, and summary notes for the workshop. Alta will provide materials in English and Spanish, and will make sure Spanish-speaking staff attend the workshop. The City of Riverbank will secure the meeting location and distribute noticing.

TASK 2.2 PROJECT WEBSITE

Alta will create a project website which will include a brief summary of the project, a description of steps taken thus far, a list of key dates, copies of documents cleared for public access that are available for download, contact information for the Alta point person, and any other materials or resources that may be beneficial to the public. Alta will regularly post project updates throughout the duration of the project.

TASK 2.3 SOCIAL MEDIA AND ONLINE COMMUNICATIONS

Alta will provide brief updates (1-2 sentences) to the City on a regular basis for the City to post to City social media (Facebook and Twitter) accounts and on the project website.



Alta proposes several activities to engage residents and investigate opportunity and challenge areas directly with them. This includes a suite of mobile workshops, walking tours, biking tours, listening session, and workshops.

TASK 2.4 COMMUNITY SURVEY AND ONLINE INPUT MAP

Alta proposes to develop and manage a survey, to be made available in English and Spanish and for both paper and online access, for gathering input on community needs/priorities and challenges in the existing pedestrian and bicycle network. Results from the survey will help inform recommendations to the active transportation network.

Once a preliminary active transportation network has been drafted (Task 6), Alta will provide the City with an online interactive community input map that allows the public to provide direct input on proposed routes, and to share feedback on changes they would like to see. Alta has developed a technology to support online map input that works well on computers, tablets, and phones.

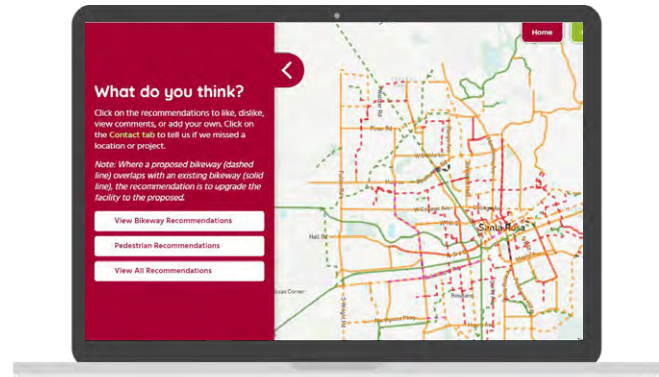
TASK 2.5 POP-UP EVENTS (OPTIONAL TASK)

Alta proposes several activities to engage residents on the streets and investigate opportunity and challenge areas directly with them.

People live increasingly busy lives, and fewer people today have the opportunity to attend conventional public meetings. To make it easier for people to learn about and provide input to Alta, we will bring the project to the public. Alta will hold two (2) pop-up workshops at well-attended community events and gathering places such as the Annual Cheese and Wine Festival, Summer Concerts in the Park, or the Halloween Haunted Hayride. Alta will send two staff members to each pop-up meeting.

Task 2 Deliverables:

- » One (1) community workshop and public notice of workshop (materials in English and Spanish with bilingual interpretation available)
- » Project website with monthly updates
- » Nine (9) social media posts for City to distribute
- » Interactive online survey and map (English and Spanish)
- » Optional two (2) pop-up events (materials in English and Spanish with bilingual interpretation available)



Alta will develop a mobile-friendly project webpage including an online interactive community input map that allows the public to identify priority destinations for walking and biking.

Task 3 Documentation of Conditions and Preparation of Base Map

TASK 3.1 PLAN REVIEW

Alta will review relevant plans, policies, and reports that pertain to active transportation in the City to allow for consistency including, but not limited to:

- Riverbank General Plan 2005 – 2025
- Standard Specifications
- ADA Transition Plan
- Crossroads Specific Plan
- Crossroads West Specific Plan
- Downtown Specific Plan
- Local Redevelopment Authority Specific Plan
- Stanislaus County General Plan
- Stanislaus Council of Governments (StanCOG) Non-Motorized Transportation Master Plan

Alta will develop a plan review memo that will form the foundation of this section of the plan. Alta will also discuss suggestions for refining this section so that content is succinct and relevant to the reader. Alta will revise the memo based on one set of internally consistent client comments. The Alta team will evaluate how this plan update could integrate with emerging projects such as the California High Speed Rail project and Safe Routes to School programs.

TASK 3.2 VISION, GOALS, POLICIES, AND ACTION STEPS

Based on our review of existing plans and input from City staff, Alta will develop a vision statement for the draft plan. The vision will be a broad and inspirational statement that presents the desired impact on pedestrian and bicycle travel in the future.

Goals, policies, and action statements will be developed to support the vision statement. They will be reviewed for consistency with the City's General Plan in addition to advancing progress toward implementation of making Riverbank a place for people, where people "can easily and safely walk, bicycle, or use public transit to get to work, school, shopping, or a local park" (p. IN-1). Alta will develop a memo that will be the foundation of this section of the plan. Alta will revise the memo based on one set of internally consistent client comments and include final changes in the Draft Active Transportation Plan.

TASK 3.3 EXISTING CONDITIONS AND BASE MAPS

Alta will work with the City to compile and organize available information on existing conditions for the project area such as demographics, traffic volumes, state route planning and construction plans, aerial and base maps, and existing bicycle and pedestrian facilities. Alta will then prepare a base map series for design and analysis work that can be easily understood by the public for use at meetings and the public events. Data will be collected using available data and verified with desktop review and strategic field visits. Once finalized, Alta will share the map (both in AutoCAD and GIS format and with all shape files) with the City.

TASK 3.4 COLLISION ANALYSIS

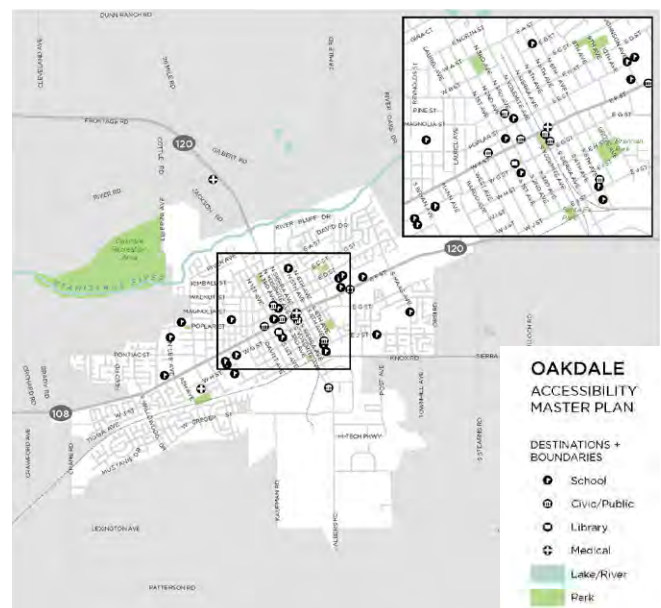
Alta will conduct an analysis of safety issues in Riverbank. Alta will use the latest five years of bicycle and pedestrian collisions using the Statewide Integrated Traffic Records System (SWITRS) and Transportation Injury Mapping System (TIMS) to develop maps that illustrate bicycle and pedestrian collision locations based on severity. High injury corridors and intersections will be identified for special consideration in the recommendations section of the plan update.

TASK 3.5 LEVEL OF TRAFFIC STRESS ANALYSIS (OPTIONAL)

Alta will assess the Level of Traffic Stress (LTS) on the existing bikeway facilities using a modified LTS analysis methodology. This methodology is built on research that assigns a level of stress based on number of vehicle travel lanes, existing bicycle facilities, and intersection controls. This analysis identifies what percent of Riverbank residents would be comfortable riding on a given route, and how proposed improvements will increase bicycling levels. Gaps in the network will be identified in terms of user comfort, identifying where a segment drops below the desired level of traffic stress (e.g. where a traffic calmed bike boulevard crosses a major roadway without protection or converts to a traditional bike lane), and implications for ridership. This approach will look at:

- Accessibility of regional destinations
- Potential new facility requirements (in excess of existing and planned facilities)
- Existing barriers to bicycle access

The results of the LTS analysis will be used to demonstrate priorities in route choice and will allow the City to see how specific project improvements improve overall bicycle mobility based on specific user groups and their preferences.



Alta conducted a review of existing conditions for the City of Oakdale Accessibility Master Plan. This basemap includes destinations and boundaries, such as community and government facilities, schools, medical facilities, and other trip generators.

Alta will develop an existing conditions memo that includes deliverables from Tasks 3.1, 3.2, 3.3, 3.4, and 3.5. Alta will submit the existing conditions memo and revise the memo based on one set of internally consistent client comments.

Task 3 Deliverables:

- » Plan review memo
- » Vision, goals, policies, and action statement memo
- » Base map files (both in AutoCAD and GIS format and with all shape files)
- » Existing conditions memo

Task 4 Identify Grant Funding Opportunities

Alta will compile existing conditions data to help meet the grant application requirements of various federal and state grant programs regularly used to fund non-motorized improvement projects, as identified in the funding portion of the AT Plan, to include, but not limited to, the Highway Safety Improvement Program (HSIP), Active Transportation Program (ATP), and Office of Traffic Safety (OTS) grant program. Alta will create a funding opportunity matrix to match project recommendations with eligible funding sources.

Task 4 Deliverables

- » Grant funding memo



Alta assisted with grant writing to secure \$10.9 million for CV Link, an innovative multimodal facility of national importance that connects communities in the Coachella Valley.

Task 5 Bicycle and Pedestrian Education and Safety

TASK 5.1 PROGRAM REVIEW

The Alta team will catalog existing programs that the City and non-profit partners conduct to promote pedestrian and bicycle safety. These partners include the Stanislaus County Bicycle Club, Riverbank City schools, and more. Alta will categorize programs into the following program areas:

Education. Programs that teach children and adults the rules of the road and how to stay safe walking and bicycling

Encouragement. Programs that get residents excited about walking and bicycling such as Bike to Work Day or Walk to School Day events

Enforcement. Programs, typically led by the Stanislaus County Sheriff's Department, to address unsafe behavior

Evaluation. Programs that help the City track progress and evaluate the effectiveness of policies, infrastructure changes, or other programs

TASK 5.2 PROGRAM RECOMMENDATIONS

Based on this review, the Alta team will develop specific program recommendations in coordination with implementing agencies. Alta is the only bicycle and pedestrian planning firm with a department dedicated to planning and implementing education and encouragement components of active transportation programs including workshops, contests, and other promotional activities. The Alta team will utilize our expertise in developing and leading Safe Routes to School and other active transportation programs to develop a customized and achievable set of recommendations.

Alta will develop a pedestrian and bicycle programs memo that will be the foundation of the update to the plan for this section. Alta will revise the memo based on one set of internally consistent client comments.

Task 5 Deliverables:

- » Pedestrian and bicycle programs memo

Task 6 Recommended Bicycle and Pedestrian Network

The core of the plan will be an identification of recommended projects for future implementation that together build a wholistic active transportation network in the City. Special attention will be given to pedestrian routes that are used to access schools, goods and services, and other important community destinations for children, the elderly, and people with disabilities. The outcome will be a plan with prioritized locations and specific improvements for streets, sidewalks, and intersections that support all users.

This task will provide Riverbank with a list of projects, a method to prioritize projects, and identification of funding sources to support future projects. This task will synthesize the information collected in Tasks 1 through 5 to develop infrastructural and programmatic recommendations.

TASK 6.1 BICYCLE AND PEDESTRIAN NETWORK RECOMMENDATIONS

Based on the existing conditions and needs analysis, community outreach, and staff direction, the Alta team will develop pedestrian and bicycle network recommendations. The networks will be developed with a variety of users in mind (school children, commuters, elderly and disabled adults, and recreational users), and enhance local non-motorized connections.

The Alta team will prepare maps depicting existing, funded, and proposed bicycle and pedestrian projects. We will also produce a project list. Each listed project

will include the project name, proposed facility type, segment endpoints, segment length, and planning-level cost estimate (described later).

Recommendations will be categorized by facility type and may include:

- Local and regional bikeways (e.g., Class I/II/III/IV facilities)
- Pedestrian spot improvements (e.g., sidewalk infill, crossing enhancements)
- Support facilities (e.g., short- and long-term bike parking and trailheads)
- Future studies (e.g., trail feasibility studies, bike share feasibility studies, signal timing enhancements, and other improvements requiring further analysis)

TASK 6.2 IMPLEMENTATION STRATEGY

The Alta team will provide the City with a clear path forward for prioritization and implementation to assist the City in providing the most benefit to the most residents following plan adoption.

Planning Level Cost Estimates

Alta will develop planning-level cost estimates for the bicycle and pedestrian network improvements developed in Task 6.1. Alta will use the latest unit costs used in Riverbank and nearby communities and provide a table of cost estimates by improvement type.



Alta staff have a proven track record of facilitating bicycle and pedestrian planning discussions throughout California, including leading non-traditional outreach events.

Project Prioritization

Alta will review any previously used criteria with City staff. Based on this review, previous criteria or a modified set of evaluation criteria will be used to measure the relative importance of each recommended bicycle and pedestrian improvement. We suggest that the evaluation criteria be developed and approved early on in the planning process so that the project team and others are aware of the process for evaluating improvements. Developing criteria early on also contributes to a more objective ranking process. Potential evaluation criteria include:

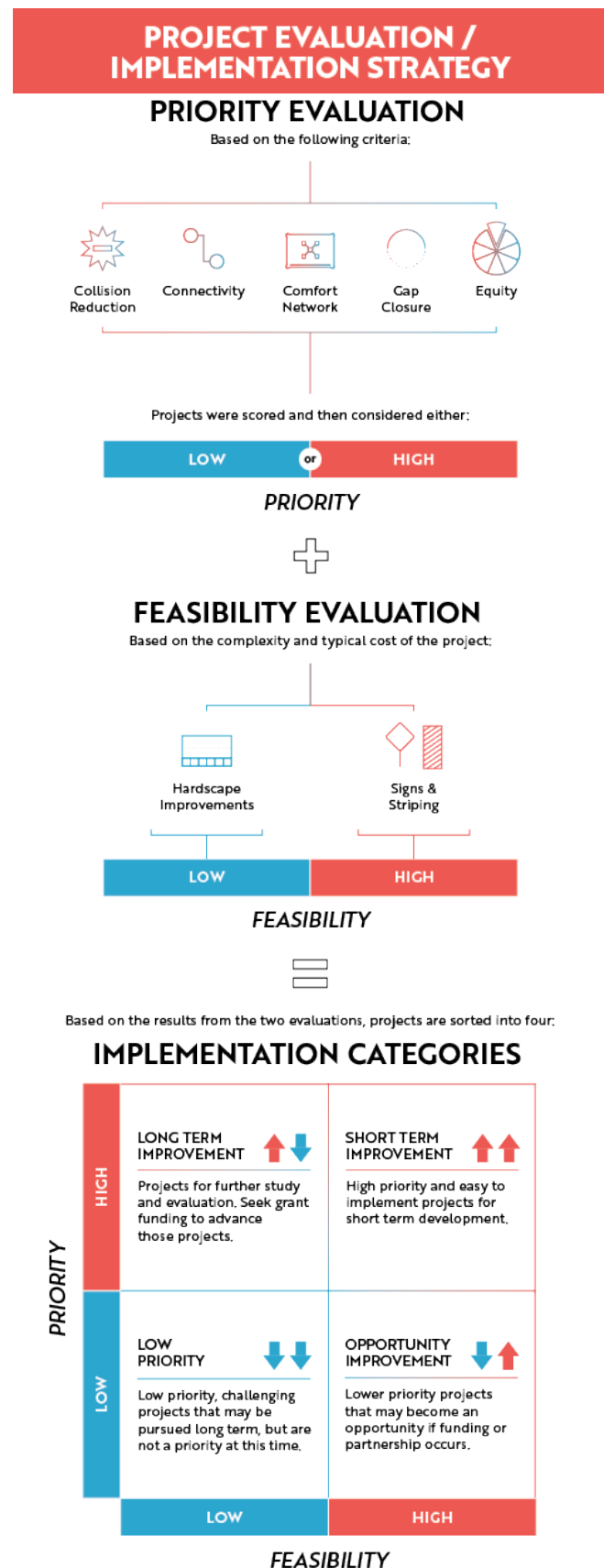
- Serves an immediate safety need (partially based on collision analysis)
- Enhances system connectivity and comfort
- Proximity to major trip generators and attractors (e.g., schools, places of employment)
- Community-identified improvement
- Feasibility (e.g., estimated timeframe, degree of required interagency approvals, etc.)
- Gap closure/creates linkage
- Equity (e.g., proximity to community of concern populations)
- Health (e.g., proximity to populations with few active transportation options)
- Potential user demand (partially based on bicycle and pedestrian count data)
- Proximity to transit
- Cost effectiveness (opportunities for cost savings during road resurfacing)
- Consistency with other plans

Funding Strategies

Alta will develop a project recommendations and implementation memo that will synthesize Tasks 4, 6.1, and 6.2 and serve as the foundation of the update to the plan for this section. The memo will include a table of all proposed projects and cost estimates by improvement type. Projects will be prioritized in score order according to the criteria established in Task 6.2. Alta will revise the memo based on one set of internally consistent client comments.

TASK 6.3 PRIORITY CONCEPT PLANS

Alta will develop concept plans of the top three (3) priority projects based on Task 6.2. These will be suitable for the City to apply for grant funding for implementation. Alta will revise each concept plan based on one set of internally consistent client comments.



Alta will develop an implementation plan for proposed projects and programs.

TASK 6.4 DESIGN GUIDELINES

Alta will develop design guidelines to reflect changes in best practices and in coordination with the City's policies. Alta will consult the FHWA *Small Town and Rural Multimodal Networks Guide* (STAR) as well as Caltrans Highway Design Manuals and Design Information Bulletins, and 2010 ADA Standards for Accessible Design. The design guidelines will be stand-alone document. Alta will develop and revise the design guidelines based on one set of internally consistent client comments.

Design guidelines will include the following:

- Bikeway, trail, and sidewalk recommended widths
- Bikeway and trail intersection guidance
- Bicycle detection recommendations
- Striping and signing recommendations
- Bicycle parking recommendations by land use type
- Pedestrian improvement standards, accessibility issues, and crosswalk Prioritization Policy
- Traffic calming and control devices for universal access

Alta will develop a set of design guidelines tailored to the unique context of the City of Riverbank, using images and information on local infrastructure that provides the City with a resource to implement ongoing bicycle and pedestrian design solutions as part of project opportunities that arise from other projects such as new development or regular street resurfacing.

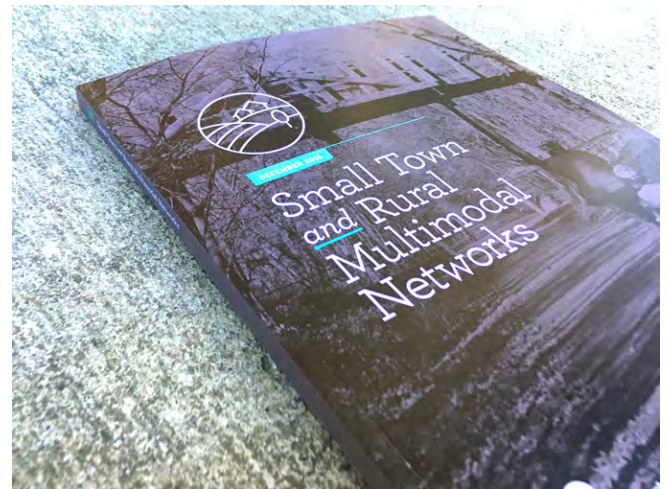
Task 6 Deliverables:

- » Prioritized project list, including maps and tables that capture the top feasible priorities for the City
- » Project recommendations and implementation memo
- » Concept plans for three (3) priority projects
- » Trail, Bicycle, and Pedestrian Design Guidelines for the City

Task 7 Draft and Final Plan

TASK 7.1 REFINEMENT AND REVIEW OF PLAN CONCEPTS

Approximately one month after the final outreach workshop, Alta will prepare an outline of the report, refine proposed plan concepts, and identify any additional questions, concerns or critical issues that might have emerged during or after the workshop and other outreach efforts. The Alta team will travel to Riverbank to meet with the Citizen Advisory Committee, City staff, and other key stakeholders to present and review these materials for comment and direction.



Alta led development of the FHWA *Small Town and Rural Multimodal Networks Guide*, which translates existing street design guidance and facility types for bicycle and pedestrian safety and comfort to the rural context.

TASK 7.2 PREPARE ADMINISTRATIVE DRAFT PLAN

Within three to four months after the final outreach workshop, based on the existing conditions analysis and input from the community engagement process, Alta will prepare and circulate an administrative draft plan for review by City staff and members of the advisory group. The plan will include recommendations and design details to make streets in Riverbank more complete; that is roadways that better accommodate all users. The plan will be comprised of content drafted and approved in the working memos from previous tasks, including conceptual designs, recommendations and standards for improved road safety and operations, pedestrian, bicycle and transit facilities, and enhanced streetscapes. It will identify a network of routes that can be retrofitted in stages over time as part of the City capital improvement program and as grants and other funding sources are attained. The document will also contain a record of the outreach process, proposed timing, and prioritization for implementation of the recommendations, and potential funding sources and strategies.

City staff will compile and organize comments for response and provide direction for the first round of revisions. Alta anticipates City review period to be approximately three weeks.

TASK 7.3 PREPARE PUBLIC REVIEW OF DRAFT PLAN

Alta will revise the administrative draft based on one set of internally consistent City comments and produce the public draft of the Riverbank Active Transportation Plan.

Planning Commission Presentation

Alta will present the public draft plan to the Planning Commission for approval. Alta will collect and log comments received from the public and Planning Commission, and review with City staff to determine necessary revisions. Alta can also present the public draft to a working session of City Council or an appropriate council subcommittee for comments.

TASK 7.4 CITY COUNCIL PRESENTATION

Alta will revise the public draft based on guidance from City staff and prepare the final draft of the Riverbank Active Transportation Plan. Alta will present the final draft to the Riverbank City Council for approval and adoption.

TASK 7.5 FINAL DRAFT AND PLAN SUBMISSION

Alta will finalize the document and transmit electronic source files. Alta will print and ship up to four (4) hard copies of the final plan to the City, and will deliver four (4) electronic copies to the City.

Task 7 Deliverables:

- » Administrative draft
- » One (1) presentation of the administrative draft to the Citizen Advisory Team, city staff, and other key stakeholders
- » Public draft
- » Presentation of the final draft to City Council for approval and adoption
- » Final draft (including electronic source files and four electronic copies)
- » Print and ship up to four (4) hardcopies of the final draft



Our master planning documents are graphically compelling and provide clear examples of how to interpret and apply design flexibility to improve bicycling and walking conditions.



Schedule

The schedule below has been carefully organized to sequence key tasks, meetings, and deliverables, providing an efficient process and thorough review of all products as they are developed. See project budget on the following page.

Task	2019					2020				
	October	November	December	January	February	March	April	May	June	
1 Project Planning and Coordination										
1.1 Kick-off Meeting	X									
1.2 Project Coordination										
1.3 Bicycle & Pedestrian Active Transportation Plan Citizen Advisory Team		X		X			X			
2 Public Outreach and Promotion										
2.1 Community Workshop							X			
2.2 Project Website										
2.3 Social Media and Online Communications										
2.4 Community Survey and Input Map										
2.5 Pop-Up Events (Optional Task)			X			X				
3 Documentation of Conditions and Preparation of Base Map										
3.1 Plan Review										
3.2 Vision, Goals, Policies, and Action Steps										
3.3 Existing Conditions and Basemap										
3.4 Collision Analysis										
3.5 Level of Traffic Stress (Optional Task)										
4 Identify Grant Funding Opportunities										
4.1 Grant Funding Memo										
5 Bicycle and Pedestrian Education and Safety										
5.1 Program Review										
5.2 Program Recommendations										
6 Recommended Bicycle and Pedestrian Network										
6.1 Bicycle and Pedestrian Network Recommendations										
6.2 Implementation Strategy										
6.3 Priority Concept Plans										
6.4 Design Guidelines										
7 Draft and Final Plan										
7.1 Refinement and Review of Plan Contents										
7.2 Prepare Administrative Draft										
7.3 Prepare Public Review of Draft Plan										
7.4 City Council Presentation										
7.5 Final Draft and Plan Submission										
LEGEND										
Task Progress										
Meeting / Workshop	X									
Deliverable										
Client review										

LEGEND

Task Progress
Meeting / Workshop
Deliverable
Client review

Budget

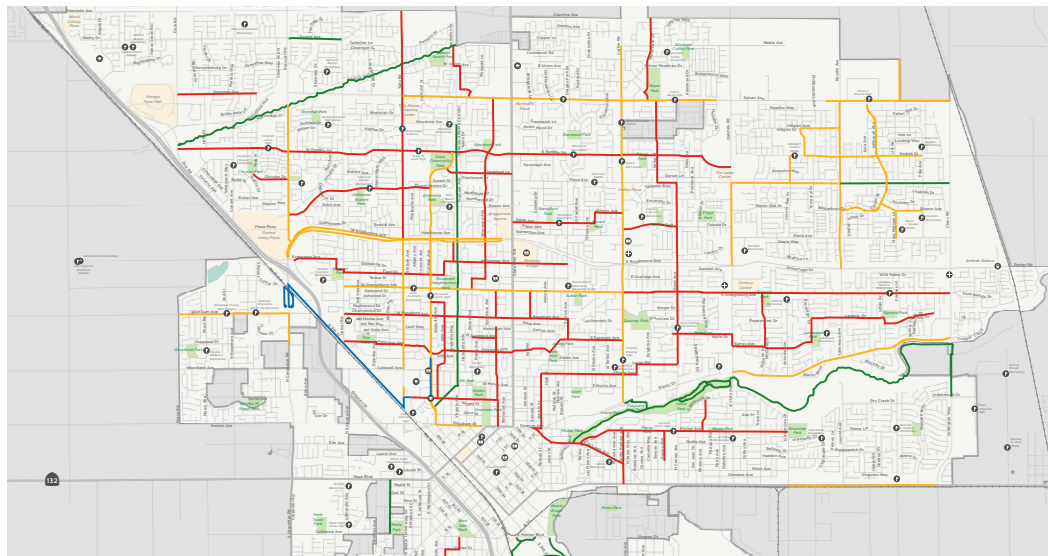
Alta has prepared a proposed budget by task reflecting cost saving measures suggested in the Project Understanding and Scope of Services. We are flexible in developing an allocation of work effort and budget that best meets the needs of the City.

TASK	Alta Planning + Design								Task Hours	Direct Expense	Total Task Fee
	Principal-In-Charge	Project Manager	Senior Planner	Planner	GIS Analyst	Engineer	Graphic Designer	Web Design			
	Brett Hondorp	Otto Melara	Beth Martin	Jose Palma	Lisa Schroer	Joe Paull	Cat Cheng	Zane Taylor			
2019 Hourly Rate*	\$275	\$159	\$135	\$104	\$104	\$135	\$135	\$122			
Task 1. Project Planning and Coordination	12	84	0	24	0	0	0	0	120	\$ 700	\$19,852
1.1 Kick-off Meeting	5	8							13	\$ 100	\$2,747
1.2 Project Coordination	4	60							64	\$ 300	\$10,940
1.3 Bicycle & Pedestrian Active Transportation Plan Citizen Advisory Team	3	16		24					43	\$ 300	\$6,165
Task 2. Public Outreach and Promotion	6	20	18	28	8	0	8	18	106	\$ 2,600	\$16,380
2.1 Community Workshop	2	10	12	20	6		4		54	\$ 500	\$7,004
2.2 Project Website	1	4	2	2			2	8	19	100	\$2,735
2.3 Social Media and Online Communication	1	2	2	2					7		\$1,071
2.4 Community Survey and Input Map	2	4	2	4	2		2	10	26	\$ 2,000	\$5,570
Task 3. Documentation of Conditions and Preparation of Base Map	7	14	18	48	50	0	0	0	137	\$ -	\$16,773
3.1 Plan Review	2	2	4	12					20		\$2,656
3.2 Vision, Goals, Policies, and Action Steps	2	4	4	12					22		\$2,974
3.3 Existing Conditions and Basemap	2	6	6	14	20				48		\$5,850
3.4 Collision Analysis	1	2	4	10	30				47		\$5,293
Task 4. Identify Grant Funding Opportunities	2	2	0	8	0	0	0	0	12	\$ -	\$1,700
4.1 Grant Funding Memo	2	2		8					12		\$1,700
Task 5. Bicycle and Pedestrian Education and Safety	5	6	0	12	0	0	0	0	23	\$ -	\$3,577
5.1 Program Review	2	2		4					8		\$1,284
5.2 Program Recommendations	3	4		8					15		\$2,293
Task 6. Recommended Bicycle and Pedestrian Network	7	26	26	36	25	70	12	0	202	\$ -	\$26,983
6.1 Bicycle and Pedestrian Network Recommendations	2	12	4	10	20	30			78		\$10,168
6.2 Implementation Strategy	1	2	4	8	5				20		\$2,485
6.3 Priority Concept Plans	2	8	10	10		20			50		\$6,912
6.4 Design Guidelines	2	4	8	8		20	12		54		\$7,418
Task 7. Draft and Final Plan	10	30	40	64	50	32	32	0	258	\$ -	\$33,416
7.1 Refinement and Review of Plan Contents	2	6	8	30	30	20	14		110		\$13,414
7.2 Prepare Administrative Draft	2	4	10	12	12	8	10		58		\$7,462
7.3 Prepare Public Review of Draft Plan	2	2	4	10	8	4	4		34		\$4,360
7.4 City Council Presentation	2	8	8	6			2		26		\$3,796
7.5 Final Draft and Plan Submission	2	10	10	6			2		30		\$4,384
Staff Hours	49	182	102	220	133	102	52	18	858	\$ 3,300	\$118,681
Project Total	\$13,475	\$28,938	\$13,770	\$22,880	\$13,832	\$13,770	\$7,020	\$2,196		\$ 3,300	\$118,681
Optional Tasks											
2.5 Pop-Up Events (Optional)		2	4	30			8		44	\$ 300	\$5,358
3.5 Level of Traffic Stress (Optional)	2	4	4	4	24				38		\$4,638
Total									82	\$300	\$9,996
Total, with Options											\$128,677

*Hours and staff assignments can be adjusted by the consultant as needed to implement the tasks described during the course of the project. Hourly rates are for calendar year 2019, and will be adjusted if work is continued into subsequent year(s).



Modesto Active Transportation Plan



Existing Bikeways

- Class I Shared-Use Path
- Class II Bicycle Lane
- Class III Bicycle Route
- Class IV Separated Bikeway

Destinations & Boundaries

- College/University
- Hospital
- Library
- School
- Shopping Center
- Park
- Modesto City Boundary

Alta is working with the City of Modesto on an update to the City's Active Transportation Plan to identify ways to provide more convenient alternatives to driving for families, commuters, transit riders, and recreation. In addition to significant public outreach and involvement, the plan update includes the development of design guidelines and bicycle level of traffic stress analysis. The plan will result in a prioritized set of recommendations on walking and bicycling facilities, programs, and policies that reflects Modesto's unique needs and opportunities.

Date: 2018-ongoing

Client: City of Modesto

Client Reference: Michael Sacuskie, Associate Engineer/
Bicycle Program Coordinator,
(209) 577-5280,
msacuskie@modestogov.com

Key Personnel: Brett Hondorp,
Principal-in-Charge, Otto Melara,
Assistant Project Manager, Lisa
Schroer, GIS Analyst, Jose Palma,
Planner

Merced Active Transportation and Safe Routes to School Plan

The purpose of this Active Transportation and Safe Routes to School Plan is to increase active transportation modes throughout the City of Merced, with a primary focus on connecting Disadvantaged Communities to economic opportunities in the central city, and creating connections around the future High Speed Rail station. The foundation of this project is collaboration; Alta is working closely with City of Merced staff across many departments, as well as a Technical Advisory Group made up of external agency representation, and a Citizen Focus Group comprised of leaders from a variety of community organizations. Iterative feedback processes are being used to collect information, inform recommendations, and ultimately create the basis for a community-driven and community-serving ATP/SRTS Plan.

With its smaller block design, variety of land uses, higher percentage of low-income residents, and the plan's focus to remove physical barriers between downtown and other areas of the City, great gains in increased ATP travel are anticipated to occur in areas between Central Merced and surrounding neighborhoods.

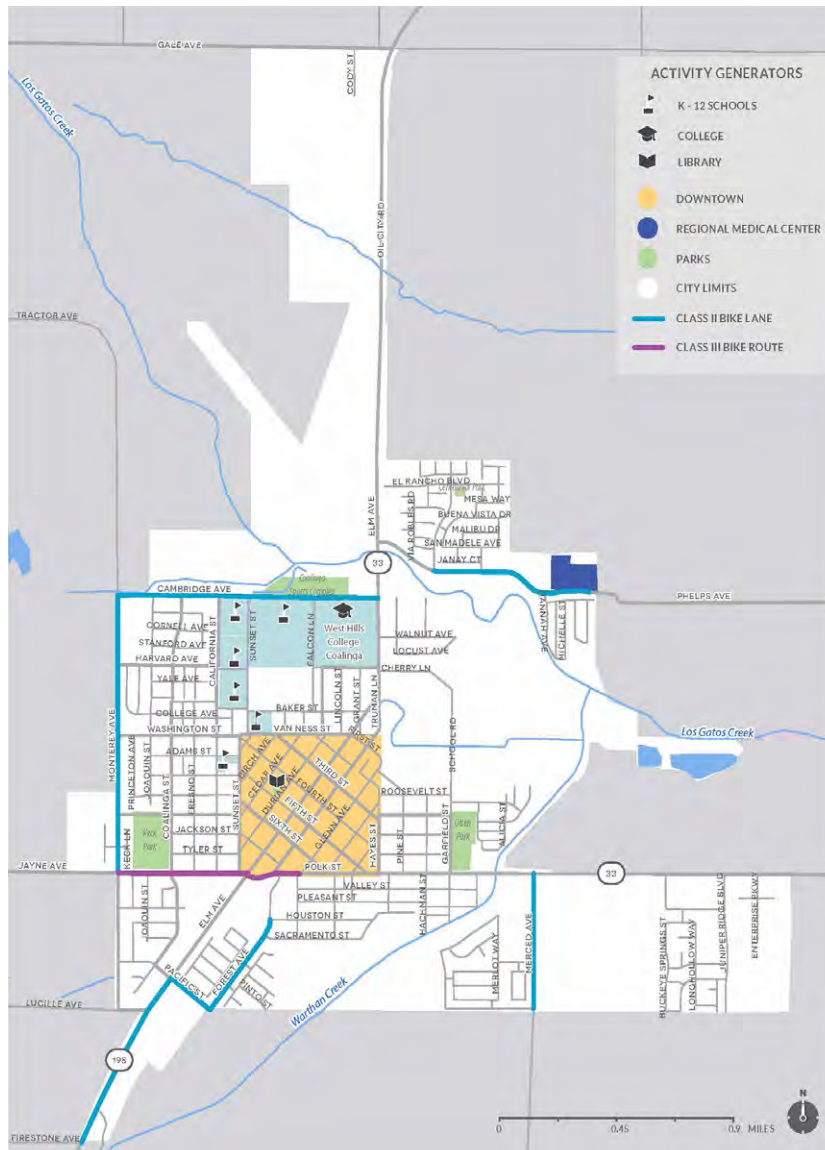
Date: 2016-ongoing

Client: City of Merced

Client Reference: Michael Hren, Principal Planner, (209) 385-4768, hrenm@cityofmerced.org, 678 West 18th Street, Merced, CA 95340

Key Personnel: Brett Hondorp, Principal-in-Charge/Project Manager, Lisa Schroer, GIS Analyst





Walk & Bike
COALINGA

Coalinga Active Transportation Plan

Alta worked with the City of Coalinga to develop an Active Transportation Plan that includes recommendations for walking, biking, Safe Routes to School, and traffic calming. A key element of this plan was providing conceptual designs for a trail that will loop around Coalinga. Locations where the trail crosses Highways 198 and 33 require traffic calming and appropriate intersection improvements to make crossings safer. These locations also serve as important gateway locations. The plan is implementation focused and culminated in prioritized recommendations and supporting cost benefit analysis to help the City compete for grant funding.

Date: 2015–2016

Client: City of Coalinga

Client Reference: City of Coalinga, Sean Brewer, Community Development Director, (559) 935-1533 x143, sbrewer@coalinga.com

Key Personnel: Brett Hondorp, Principal-in-Charge, Cat Cheng, Graphic Designer

OAKDALE**ACCESSIBILITY
MASTER PLAN****RECOMMENDED BIKEWAYS**

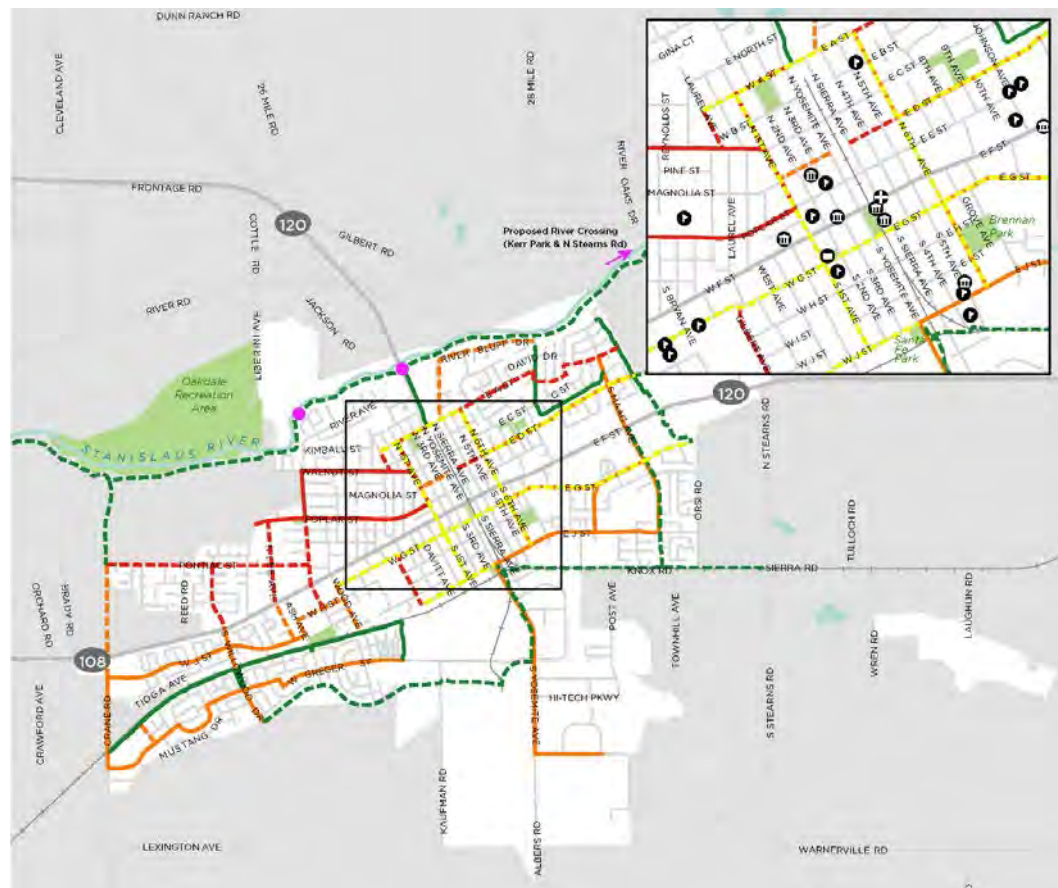
- Class I Shared Use Path
- Class II Buffered Bike Lane
- Class II Bike Lane
- Class III Bike Route
- Proposed River Crossing

EXISTING BIKEWAYS

- Shared-Use Path (Class I)
- Bike Lane (Class II)
- Bike Route (Class III)

DESTINATIONS +

- School
- Civic/Public
- Library
- Medical
- Lake/River
- Park

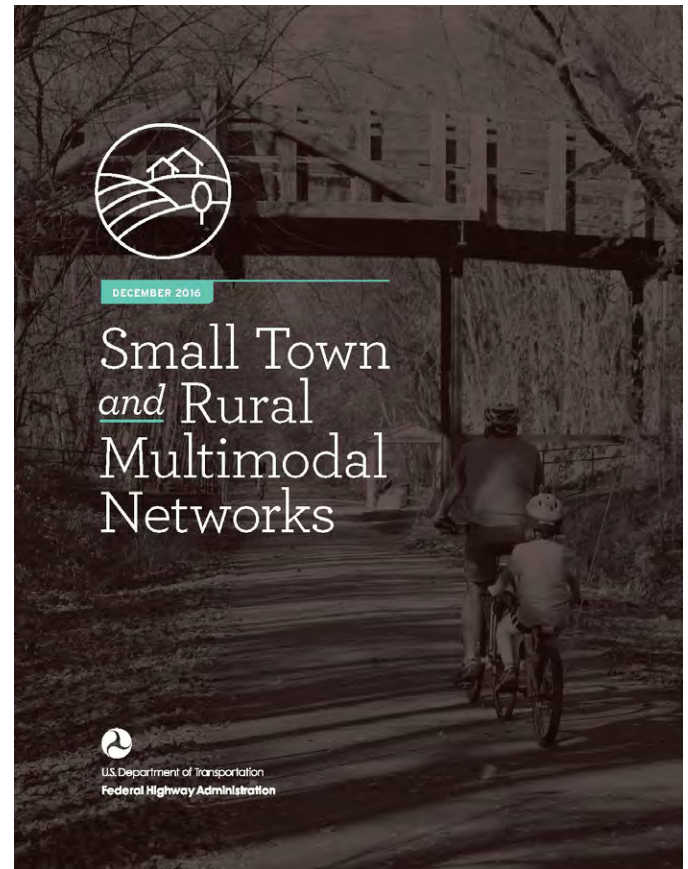
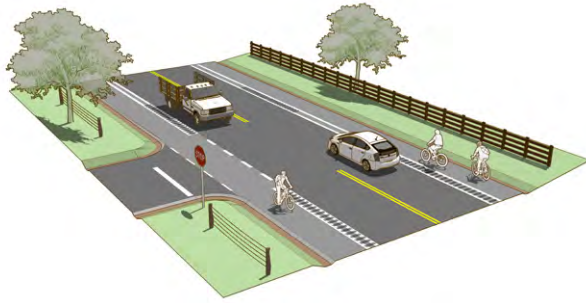
0 0.25 0.5
MILESMap produced August, 2017.
Data Source: ESRI, Stanislaus County

Oakdale Accessibility Master Plan

Dates: 2016-2018**Client:** City of Oakdale

Contact: Colleen Andersen,
Management Analyst, 455 South
Fifth Avenue, Oakdale, CA 95361,
(209) 845-3600
candersen@ci.oakdale.ca.us

Alta served as the prime consultant leading the Accessibility Master Plan for the City of Oakdale, an update to the 2006 Bikeways and Trails Master Plan Update being developed concurrently with the City's ADA Transition Plan. The Accessibility Master Plan seeks to improve safety, access, and mobility for all users, including pedestrians, bicyclists, equestrians, and transit users. The plan considered Oakdale's existing transportation network as an integrated system to create a safer and more accessible network for all users. Through existing conditions assessments, work with an Advisory Group, and a five day Charette exercise, Alta developed a practical, accessible plan that identified clear opportunities to increase walking and biking in Oakdale. Streetscape concept designs included prioritized improvements to sidewalks, crossings, landscaping, lighting, streetscape furniture, and wayfinding elements to increase accessibility and mobility, and to create a unique "sense of place and arrival" for the City. Each recommendation was prioritized and funding sources were identified for short term and long term implementation.



FHWA Small Town and Rural Multimodal Networks Guide

The *Small Town and Rural Multimodal Networks* document translates existing street design guidance and facility types for bicycle and pedestrian safety and comfort to the rural context. The guide provides clear examples of how to interpret and apply design flexibility to improve bicycling and walking conditions.

The document presents compelling photographs, visual illustrations and technical diagrams to communicate design issues and solutions in a small town setting. Paired with the design guidance for each facility type is a representative case study, telling the story of a small community's success at implementing multimodal facilities in a non-urban context.

The guide development is funded in part by the Federal Highway Administration and Blue Cross Blue Shield of Minnesota. Alta is leading the technical work for the design guidelines in partnership with the National Association of Counties (NACo) and the Small Urban and Rural Livability Center at Western Transportation Institute (WTI).

Date: 2015–2017

Client: Federal Highway Administration

Client Reference: Michael R. Huber, Senior Program Manager –Community Health and Health Equity, Center for Prevention, Michael.Huber@bluecrossmn.com, (651) 662-1777

Key Personnel: Cat Cheng, Graphic Designer



Pacifica Bicycle and Pedestrian Master Plan Update

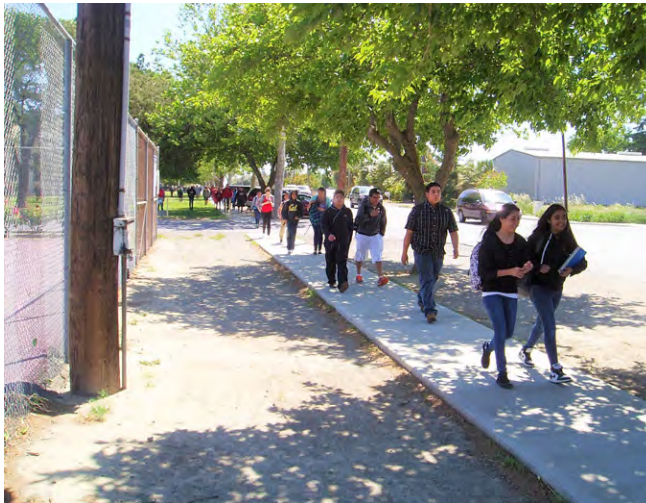
Alta is currently in the process of updating Pacifica's Bicycle and Pedestrian Master Plan. Pacifica is a unique city nestled between mountains and the coast, bisected by Highway 1; creating many geographic and infrastructure barriers that limit neighborhood connectivity. The Plan strives to increase access to many local destinations like schools and parks, enhance access to the coast, bluffs, and trails, and improve/facilitate active travel along and across of Highway 1. The Plan is undertaking a thorough public outreach and engagement process with interactive online tools including a web map, multiple public workshops, and pop-ups at Safeway, the Rockaway Farmers Market, and EcoFest at Pacifica State Beach. The project team worked closely with the Parks, Beaches, and Recreation Commission. The project is currently still accepting public comments on draft recommendations.

Date: 2018-ongoing

Client: City of Pacifica Public Works Department

Client Reference: Ryan Marquez, P.E., Associate Civil Engineer, City of Pacifica, (650) 738-3769, marquezr@ci.pacifica.ca.us

Key Personnel: Brett Hondorp, Principal-in-Charge, Otto Melara, Assistant Project Manager, Lisa Schroer, GIS Analyst, Joe Paull, Engineer



Colusa County Safe Routes to School Plan

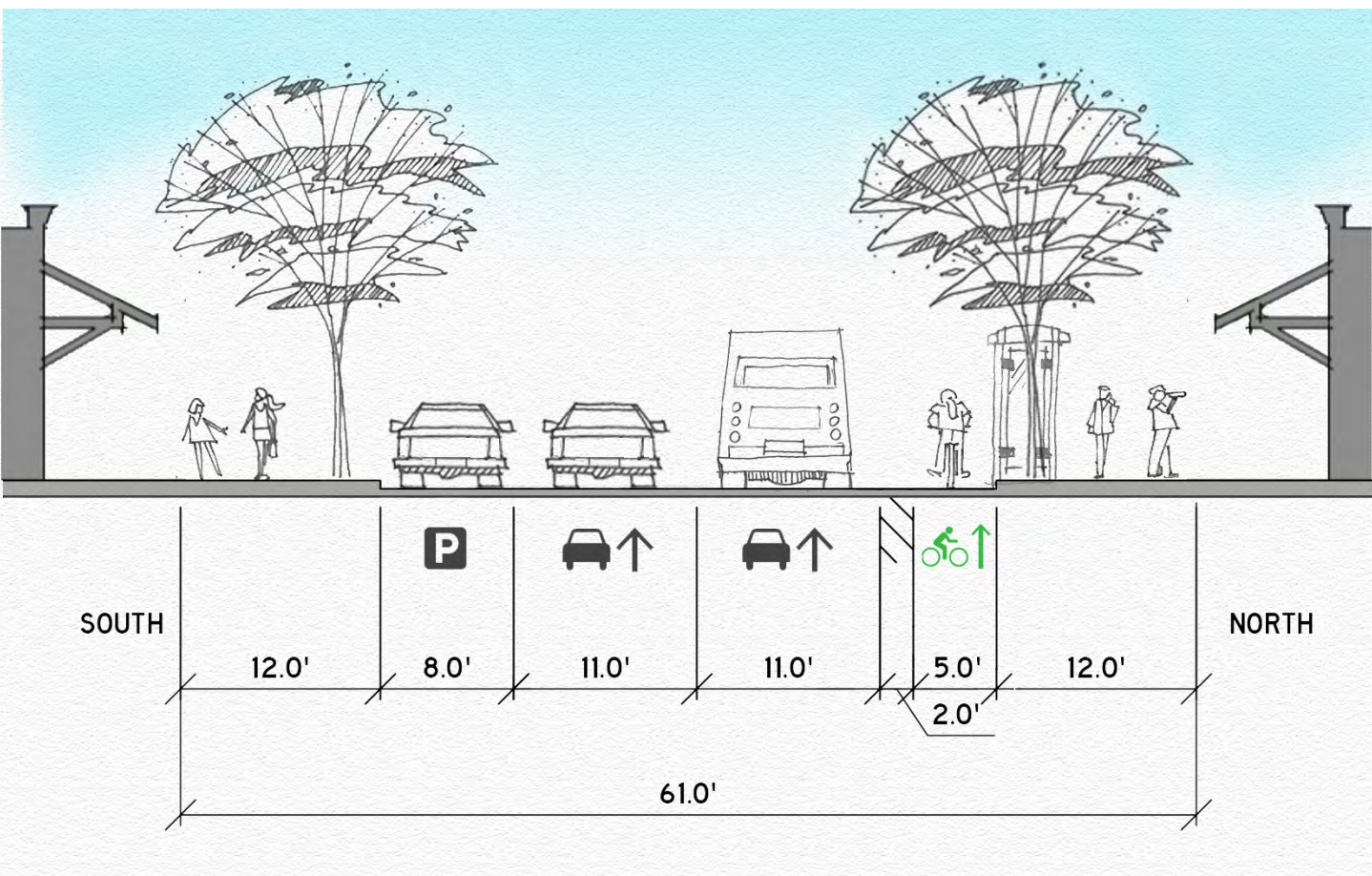
Alta is leading a Safe Routes to School Plan for the County of Colusa. The project includes the development of a workable Safe Routes to School Plan through interaction with the community to identify infrastructure improvements and program recommendations that will improve safety conditions for children who walk, bicycle, or take the bus to school. Alta is also leading the planning work necessary to enable the County to be competitive in seeking Safe Routes to School infrastructure funding to finance needed physical improvements. This plan focuses on fourteen schools in the County, seven elementary, two middle, four high, and one junior/senior high school.

Dates: 2016-ongoing

Client: Colusa County

Contact: Scott Lanphier, Director of Public Works, 1215 Market St., Colusa, CA, 95932, (530) 458-0466, slanphier@countyofcolusa.org

Key Personnel: Brett Hondorp, Principal-in-Charge, Lisa Schroer, GIS Analyst



Visalia Downtown Traffic Study

Alta is working in partnership with the Local Government Commission (LGC), Downtown Visalia Foundation (DV) and City of Visalia, to prepare a community-based Traffic Safety Action Plan for the downtown core and neighborhood east of downtown. The Traffic Safety Action Plan lays out a strategy to improve safety and comfort and recommend improvements to foster a vibrant, walkable and bikeable environment. In addition to integrating complete street and green infrastructure strategies within the study area, there is an understanding that the assimilation of physical form, land uses and transportation will be critical to the economic success and longevity of downtown Visalia.

Date: 2019-ongoing

Client: City of Visalia

Client Reference: Leslie Blair,
Senior Civil Engineer,
(559) 713-4334,
leslie.blair@visalia.city, 707 West
Acequia Ave, Visalia, CA 93291



Escalon: Stanislaus Street Class II Bike Lane

Project Description

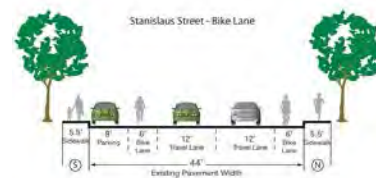
The Stanislaus Street Class II Bike Lane is a proposed 0.38 mile bikeway that would serve Escalon High School and Dent Elementary School.

The bikeway is a priority project in the San Joaquin Council of Governments Bicycle, Pedestrian and Safe Routes to School Plan.

Connecting bikeways include

- Miller Avenue bike lane (existing)
- Dent Street bike route (existing)
- Yosemite Avenue bike route (existing)

Potential Section View



Design Guidance



Class II bike lanes are frequently used on streets with traffic volumes and speeds that warrant separation of traffic flows. At a minimum, bike lanes should be:

- 4' in width
- 5' in width on streets with a gutter



Cost Estimate

Total cost: \$16,000

Striping and Stenciling 0.38 miles @ \$39,600/mile

Signage: 4 signs @ \$300/sign

Priority Project Sheet

San Joaquin Council of Governments Regional Bicycle, Pedestrian, and Safe Routes to School Plan

Alta led the San Joaquin Council of Governments' Regional Bicycle, Pedestrian and Safe Routes to School Plan. The Plan serves as a guide to planning, developing, and managing a regional bicycle and pedestrian network and Safe Routes to School program funding. The Plan identifies priorities to create a consistent network of pedestrian and bicycling infrastructure across jurisdictional boundaries, focus investments on key origin and destination centers, and ultimately guide local and regional actions to create a more connected, accessible, and safe regional network. This Plan will directly aid the San Joaquin Council of Governments (SJCOG) and member communities in selecting projects for funding under SJCOG's Measure K Bicycle, Pedestrian, and Safe Routes to School (BP-SRTS) Funding program.

Dates: 2011-2012

Client: San Joaquin Council of Governments (SJCOG)

Contact: Michael Swearingen, Senior Regional Planner, (209) 235-0600, mswearingen@sjcog.org, 555 East Weber Avenue, Stockton, CA

Key Personnel: Brett Hondorp, Principal-in-Charge

Funding Assistance

Funding sources range from federal TIGER grants and SAFETEA-LU funds to state, regional, local, and private sources. Alta staff can complete a range of tasks, from full-fledged preparation of the grant application to writing portions of the scope, providing mapping and graphics assistance, assisting with document review and quality control, and preparing environmental documentation and preliminary design.

Alta staff have assisted jurisdictions across the country in winning over \$374 million in grant funding, including \$75 million in ATP funds.



Alta helped clients win \$15 million in TIGER II Grant funding for the Northwest Arkansas Razorback Greenway.



Recent successes include a \$10.5M grant award for the Lee County (FL) Complete Streets Initiative.

Project	Amount	Source
Immokalee Complete Streets – Growing Connections to Create Mobility Opportunities	\$13 million +	TIGER IX Grant
City of Tigard SRTS	\$336,000	Metro Regional Transportation Grant
City of Durham, Duke Beltline Trail Master Plan, NC	\$222,700	TIGER IV Grant
Marysville SRTS Infrastructure and Non-Infrastructure, CA	\$489,000	California Active Transportation Program (Caltrans)
City of Tualatin Greenway Trail	\$1,585,800	Oregon Transportation Commission ConnectOregon V
Lee County Complete Streets Initiative, FL	\$10.5 million	TIGER V Grant
Santa Clarita Safe Routes to School	\$450,000	Caltrans Local Assistance
City of Birmingham Roads to Recovery	\$10 million	TIGER IV Grant
US Hwy 101 Bike/Ped Overcrossing, Palo Alto/Stanford University, CA	\$10 million	Santa Clara County Board of Supervisors
Long Beach Metro Blue Line Bicycle and Pedestrian Access Plan, CA	\$1.3 million	Caltrans Highway Safety Improvement Program
Northwest Arkansas Razorback Greenway	\$15 million	TIGER II Grant
University of Washington/Burke Gilman Trail, Seattle, WA	\$3.8 million	CMAQ
SmartTrips Program, Eugene, OR	\$104,126	Environmental Protection Agency (EPA) — Climate Showcase Communities Grant
Naugatuck River Greenway, Waterbury, CT	\$5 million +	Federal transportation funds
Jackson Hole Pathways Master Plan	\$4 million +	Variety of sources
Detroit Greenways	\$3.5 million	Facilitated prioritization of private foundation funds
Trolley Trail Design & Implementation, Clackamas County, OR	\$800,000	TEA-21
Clackamas River Trail, Oregon City	\$160,000	Oregon State Parks
Eastbank Esplanade, Portland, OR	\$6.5 million	TEA-21
Coastal Rail Trail, CA	\$5 million	ISTEA/TEA-21
Pacific Electric Inland Empire Trail, San Bernardino, CA	\$3.8 million	TEA-21
Springwater Corridor, Portland, OR	\$3.35 million	ISTEA and Land & Water Conservation Funds
Solano Bikeway, Solano County, CA	\$2 million	ISTEA/TEA-21
Vince Bayou Trail, Pasadena, TX	\$1.2 million	TEA-21
Armand Bayou Trail, Pasadena, TX	\$500,000	Texas Parks and Wildlife
Bike Central, Portland, OR	\$350,000	ISTEA
Bridge enhancements project, Portland, OR	\$200,000	Oregon Bicycle and Pedestrian Program
Bikeway Signing Program, Portland, OR	\$200,000	TEA-21
Grant Street Pedestrian Enhancement, Hillsboro, OR	\$80,000	Oregon Bicycle and Pedestrian Program
Springwater-on the Willamette Trail, Portland, OR	\$76,000	Oregon State Parks Trail Grant Program



References

Our team has an excellent record of delivering high-quality, award-winning, comprehensive deliverables to communities on time and within defined budgets. We invite City staff to contact our references below.

Modesto Active Transportation Plan | 2018-ongoing

Alta is working with the City of Modesto on an update to the City's Active Transportation Plan to identify ways to provide more convenient alternatives to driving for families, commuters, transit riders, and recreation.

Reference: Michael Sacuskie, Associate Engineer/
Bicycle Program Coordinator, City of Modesto,
(209) 577-5280, msacuskie@modestogov.com

Pacifica Bicycle and Pedestrian Master Plan | 2018-ongoing

Alta is currently in the process of updating Pacifica's Bicycle and Pedestrian Master Plan.

Reference: Ryan Marquez, P.E., Associate Civil
Engineer, City of Pacifica, (650) 738-3769,
marquezzr@ci.pacifica.ca.us

Oakdale Accessibility Master Plan | 2016-2018

Comprehensive data collection efforts, public outreach, and a Level of Traffic Stress analysis were conducted to inform the final recommendations.

Reference: Colleen Andersen, Management Analyst,
City of Oakdale, (209) 845-3600,
candersen@ci.oakdale.ca.us



Contract Agreement

Alta Planning + Design, Inc. will sign the contract as stated, however we suggest the City evaluate the use of the word “best” on page 12. Insurance carriers may raise into question the use of this superlative as it elevates the standard of care. We are happy to work with the City and our insurance carrier to find a solution should one arise.

APPENDIX: STAFF RESUMES





Brett Hondorp, AICP, LCI

Principal-in-Charge



Brett has more than 20 years of non-motorized transportation planning and design experience. Brett has managed multimodal projects and program efforts throughout California. He is a leading national bicycle and pedestrian expert, and has led numerous technical trainings attended by local agency staff and community leaders. He is recognized by the Pedestrian and Bicycle Information Center as a National Safe Routes to School instructor, and serves on the Board of the Association of Pedestrian and Bicycle Professionals.

EDUCATION

Masters in Urban and
Regional Planning, San
José State University,
2000

BA, Biology, University
of California at Santa
Cruz, 1995

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2001–

Design, Community &
Environment, Project
Planner, 2000–2001

Santa Clara County
Planning Office, 2000

Impact Sciences,
1997–2000

PROFESSIONAL REGISTRATIONS

American Institute of
Certified Planners

League of American
Bicyclists, League
Cycling Instructor
(#845)

National Safe Routes
to School Training
Instructor

OFFICE
Oakland, CA

RELEVANT EXPERIENCE

COLUSA COUNTY SRTS PLAN AND ACTIVE TRANSPORTATION PROGRAM APPLICATIONS, CA

Alta developed a Safe Routes to School Plan for Colusa County and its five school districts. Alta led traffic safety assessments (walk audits) for participating schools. Following the assessments, improvements plans were developed for each school, recommending infrastructure, enforcement, and education improvements. The plan was unanimously adopted; following plan adoption, Alta worked with the county to develop ATP applications for Cycle 4. Brett served as Principal-in-Charge.

MERCED ACTIVE TRANSPORTATION AND SAFE ROUTES TO SCHOOL PLAN, CA

Alta led the Active Transportation and Safe Routes to School Plan throughout the City of Merced, with a primary focus on connecting Disadvantaged Communities to economic opportunities in the central city, and creating connections around the future High Speed Rail station. Alta is working closely with City of Merced staff across many departments, as well as a Technical Advisory Group made up of external agency representation, and a Citizen Focus Group comprised of leaders from a variety of community organizations. Iterative feedback processes are being used to collect information, inform recommendations, and ultimately create the basis for a community-driven and community-serving ATP/SRTS Plan. With its smaller block design, variety of land uses, higher percentage of low-income residents, and the plan's focus to remove physical barriers between downtown and other areas of the City, great gains in increased ATP travel are anticipated to occur in areas between Central Merced and surrounding neighborhoods. Brett is Principal-in-Charge.

SAN JOAQUIN COUNCIL OF GOVERNMENTS REGIONAL BICYCLE, PEDESTRIAN AND SAFE ROUTES TO SCHOOL PLAN

Brett was the Principal-in-Charge of the San Joaquin Council of Governments' Regional Bicycle, Pedestrian and Safe Routes to School Plan. The plan serves as a guide to planning, developing, and managing a regional bicycle and pedestrian network and Safe Routes to School program funding. The plan identifies priorities to create a consistent network of pedestrian and bicycling infrastructure across jurisdictions.

LIVERMORE ACTIVE TRANSPORTATION PLAN, CA

Brett was Principal-in-Charge for the Bicycle, Pedestrian, and Trails Active Transportation Plan for the City of Livermore. The project will include an extensive public engagement process, and assessment of bicycle and pedestrian demand, a Level of Traffic Stress (LTS) analysis, and a healthy community and equity analysis. The final plan will set forth an implementation process to implement and install the updated list of recommendations, which will build on the city's existing and well-used network of trails, sidewalks and bicycling facilities.



Otto Melara

Project Manager



Otto has a background in bikeshare program management, outreach, community planning, and engineering. He has worked with local municipalities, community groups, non-profit organizations, and corporate entities to deliver neighborhood specific plans, program management and support, and system analysis. Otto aims to create seamless pedestrian, bicycle, and transit networks while bolstering the character and identity of communities. His extensive work in transportation demand management programs has allowed him to be a versatile team member who can apply his analytical, communication, and design skills to any project. Otto is a native Spanish speaker with extensive experience working with stakeholders to facilitate public outreach engagement which represents all members of the community.

EDUCATION

Master of Urban
Planning, San Jose State
University, 2017

BS, Civil Engineering,
Cal Poly State
University-SLO, 2009

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2018–

Bike Program Manager,
Apple Inc., 2013–2018

Commute Coordinator,
San Jose State
University, 2011 - 2013

OFFICE

Oakland, CA

RELEVANT EXPERIENCE

MODESTO ACTIVE TRANSPORTATION PLAN

Otto is the Assistant Project Manager working with the City of Modesto on an update to the City's Active Transportation Plan. In addition to significant public outreach and involvement, the plan update includes the development of design guidelines and bicycle level of traffic stress analysis. The plan will result in a prioritized set of recommendations on walking and bicycling facilities, programs, and policies that reflects Modesto's unique needs and opportunities.

SOUTH SAN FRANCISCO BICYCLE AND PEDESTRIAN MASTER PLAN

Alta is working with the City of South San Francisco to prepare a comprehensive, citywide Bicycle and Pedestrian Master Plan that identifies existing and new routes for alternate modes of transportation throughout South San Francisco, studies improvement projects to achieve complete and safe routes for bicyclists and pedestrians throughout the City, and prioritizes these improvements. Otto is serving as Project Manager and will lead a team on assessing existing conditions, GIS analysis, public outreach, providing recommendations.

SAN MATEO COUNTYWIDE SUSTAINABLE STREETS MASTER PLAN

Otto is the Project Manager for the San Mateo Countywide Sustainable Streets Master Plan, which will identify opportunities and priority locations to integrate complete and green street practices to meet multiple benefits for communities throughout the county. Alta is leading the engagement effort to collaborate with residents and stakeholders throughout the County on development of the master plan using a targeted outreach approach to gather input from disadvantaged communities. Alta will collaborate with the Paradigm lead team to prepare the master plan with an implementation strategy for priority projects and future investments, focusing attention on high priority countywide bicycle and pedestrian network improvement opportunities.

PACIFICA BICYCLE AND PEDESTRIAN MASTER PLAN

This plan is focused on evaluating and updating existing and potential bicycle and pedestrian routes/connections that will provide a comprehensive network of active transportation options. Alta is working with the City to establish goals, analyze existing pedestrian and bike facilities, recommend new facilities, develop implementation plans, update bicycle and pedestrian collision and count data and education programs while incorporating design guidelines. Otto is assisting on this effort as Assistant Project Manager. His efforts are focused on analyzing the current infrastructure in search of key issues, working with stakeholders on public outreach, assessing needs through GIS, and providing recommendations.



Beth Martin

Senior Planner



Beth is an urban planner who enjoys collaborating with people, and working to improve their interactions with natural and built environment. Beth's background working with teens has given them experience building collaborative relationships and creating conflict resolution spaces. Beth brings to the table experience in public engagement processes, policy research and writing, facilitating groups and program coordination.

EDUCATION

MUP, San Jose State University, 2015

BS, Natural Resources, College of Agriculture and Life Science, Cornell University, 2011

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design, 2017-

Project Associate, MIG, Inc., 2015-2017

Graduate Student Intern, San Jose Department of Transportation, 2015

Communications Director, CommUniverCity San Jose, 2013-2014

OFFICE

Oakland, CA

RELEVANT EXPERIENCE

SAN CARLOS BICYCLE AND PEDESTRIAN MASTER PLAN

Alta is developing a bicycle and pedestrian master plan for the City of San Carlos. Based on a robust public outreach process, the plan will help the City identify improvements to the bicycle and pedestrian network to improve access to schools, the Caltrain station, and other transit connections, as well as across Highway 101. Beth serves as Senior Planner.

BAY AREA CALTRANS DISTRICT 4 BICYCLE PLAN

As a Senior Planner, Beth is assisting with a Bicycle Plan for Caltrans District 4, which covers the entire nine-county San Francisco Bay Area. The plan is focused on how potential new bicycle infrastructure on and across the state highway system can help connect the communities of the Bay Area.

SANTA ROSA BICYCLE AND PEDESTRIAN PLAN MASTER PLAN UPDATE

Alta is leading the City of Santa Rosa in their 2018 Bicycle Pedestrian Master Plan Update. The Plan will be focused on evaluating and updating existing and potential bicycle and pedestrian routes and connections that will provide a comprehensive network of active transportation choices for the Santa Rosa community. Beth is serving as Senior Planner.

OAKLAND BICYCLE MASTER PLAN UPDATE

Alta is assisting the City of Oakland with an update to the 2016 Oakland Bicycle Master Plan. Tasks include documentation of existing conditions and current best practices, planning for a network of high-quality bikeways serving "all ages and abilities," establishing a methodology for measuring the quality and connectivity of bikeways, and developing an action-oriented plan with performance measures for increasing bicyclist mode share, decreasing bicyclist crashes, and improving the quality of bikeways. Beth is serving as Senior Planner.

FREMONT SCHOOL SAFETY ASSESSMENT

Alta is implementing traffic safety assessments at 20 schools for the City of Fremont. Beth is serving as Senior Planner and assisting in identifying SRTS with community participation, improving bicycle and pedestrian facilities at school access points and in the vicinity of schools, improving traffic operations and safety during school peak hour arrival and departure times, encouraging more bicycling, walking and transit trips to school, and identifying capital improvement infrastructure projects for future grant project opportunities.



Jose Palma

Planner



EDUCATION

Master of City &
Regional Planning,
California Polytechnic
State University, San Luis
Obispo, 2016

BA, Anthropology and
Psychology, University
of California, Merced,
2010

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2019–

Assistant Transportation
Planner, DKS Associates,
2017–2019

Assistant Transportation
Planner, CHS Consulting
Group, 2017

Workplace
Transportation
Associate, Tesla Motors,
2016

OFFICE
Oakland, CA

Jose has a background in community outreach, community planning, engineering, and Transportation Demand Management (TDM). He has worked with local municipalities, state agencies, non-profit organizations, corporate entities, and delivering transportation specific General Plan Updates, Complete Street Analysis and Design, and TDM program management and support. Jose is a native Spanish speaker and strives to create an inclusive environment where planners, engineers, and community members can work together to build a more sustainable and equitable future. Jose's experience with a dual degree in Transportation Engineering and City and Regional planning gives him a unique perspective in improving active transportation and problem-solving last mile access.

RELEVANT EXPERIENCE

SANTA CLARA PEDESTRIAN MASTER PLAN

Alta is developing the City of Santa Clara's Pedestrian Master Plan by identifying the existing pedestrian network, analyzing community needs and walking challenges through participatory walking tours, and developing a list of recommendations within nine priority pedestrian zones. A land use audit helped determine the what areas should be of focus by delineating walkable urban land uses, auto-oriented land uses, and transitional areas that have the potential to be developed into walkable urban. Alta will be updating the Santa Clara's pedestrian design guidelines to be a resource for the future design of pedestrian facilities, and to be complimentary to the City's ongoing specific planning efforts. Jose is serving as a Planner on this project.

SAN CARLOS BICYCLE AND PEDESTRIAN MASTER PLAN

Alta is developing a bicycle and pedestrian master plan for the City of San Carlos. Based on a robust public outreach process, the plan will help the City identify improvements to the bicycle and pedestrian network to improve access to schools, the Caltrain station, and other transit connections, as well as across Highway 101. Jose is serving as a Planner.

SUNNYVALE BICYCLE, PEDESTRIAN, AND SAFE ROUTES TO SCHOOL PLAN

Alta is supporting the City of Sunnyvale in updating a consolidated Bicycle, Pedestrian, and Safe Routes to School Plan. Interactive online web tools, walking and bicycling tours, pop-up workshops, and over twenty school site visits provide community members a wide variety of input opportunities. Alta will analyze and recommend active transportation improvements to the walking and bicycling environment to help residents commute to work and access key neighborhood destinations. The Plan will include a prioritized set of feasible recommendations to help the City identify funding and move swiftly into implementation. Jose is serving as Planner on the project.

MODESTO ACTIVE TRANSPORTATION PLAN

Jose is serving as a Planner working with the City of Modesto on an update to the City's Active Transportation Plan. In addition to significant public outreach and involvement, the plan update includes the development of design guidelines and bicycle level of traffic stress analysis. The plan will result in a prioritized set of recommendations on walking and bicycling facilities, programs, and policies that reflects Modesto's unique needs and opportunities.



Lisa Schroer

GIS Analyst



Lisa is a geographer with a passion for spatial analysis and cartographic design. Lisa worked for the Vermont Department of Health as a GIS Intern following her graduation, where she worked with various departments to prepare public health data, produce risk and cluster analysis maps, create web-mapping applications, and provide GIS user support and training. She is particularly drawn to work that helps improve communities. Lisa specializes in geographic data analysis, cartographic design, and web-mapping.

EDUCATION

BA, Geography,
Middlebury College, 2017

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2018–
Vermont Department of
Health, 2017

OFFICE
Oakland, CA

RELEVANT EXPERIENCE

MERCED ACTIVE TRANSPORTATION AND SAFE ROUTES TO SCHOOL PLAN

Alta is leading the Active Transportation and Safe Routes to School Plan throughout the City of Merced, with a primary focus on connecting disadvantaged communities to economic opportunities in the central city, and creating connections around the future High Speed Rail station. With its smaller block design, variety of land uses, higher percentage of low-income residents, and the plan's focus to remove physical barriers between downtown and other areas of the City, great gains in increased ATP travel are anticipated to occur in areas between Central Merced and surrounding neighborhoods. Lisa produced detailed maps and maintained geographic data sets of recommended bicycle and pedestrian infrastructure improvements.

MENLO PARK TRANSPORTATION MASTER PLAN AND TRANSPORTATION IMPACT FEE PROGRAM UPDATE

Alta is a part of a team working with the City of Menlo Park in the preparation of a Transportation Master Plan. The team is assisting the City with transportation planning, developing goals and metrics to assess the circulation system, community engagement, and project prioritization. Alta is working to identify a comprehensive bicycle and pedestrian network and present infrastructure strategies to resolve network gaps and enhance active transportation comfort and safety. Lisa is providing GIS support for this project.

LIVERMORE ACTIVE TRANSPORTATION PLAN, CA

Lisa was a GIS Analyst for the Bicycle, Pedestrian, and Trails Active Transportation Plan for the City of Livermore. The project will include an extensive public engagement process, and assessment of bicycle and pedestrian demand, a Level of Traffic Stress (LTS) analysis, and a healthy community and equity analysis. The final plan will set forth an implementation process to implement and install the updated list of recommendations, which will build on the city's existing and well-used network of trails, sidewalks and bicycling facilities.

BAY AREA CALTRANS DISTRICT 4 BICYCLE PLAN

Alta led the Caltrans District 4 (covering the entire 9-county San Francisco Bay Area) Bicycle Plan. The plan was focused on how potential new bicycle infrastructure on and across the state highway system can help connect the communities of the Bay Area. This plan builds on the ongoing State Bicycle and Pedestrian Plan which will provide goals, objectives, and strategies designed to advance statewide goals of tripling bicycling in California. Lisa provided GIS support for this project.



Joe Paull, EIT

Engineer



Joe's experience includes a combination of civil engineering, traffic engineering, and transportation design. Joe's experience in construction inspection also grants him a unique insight into the value of constructability of engineering solutions. He has recently provided civil and traffic engineering support for road diet assessments and concept development; traffic impact studies; trail feasibility studies; access planning for pedestrians, bicyclists and people with disabilities; parking impact evaluations and mitigations; and area-wide master planning.

EDUCATION

BS, Civil Engineering,
Rensselaer Polytechnic
Institute, 2015

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2015–

Transportation
Construction Inspector,
NYS Thruway Authority,
2014

OFFICE
Oakland, CA

RELEVANT EXPERIENCE

CITY OF BERKELEY CLASS IV BIKEWAY DESIGN

Joe is serving as the Project Engineer working with the City of Berkeley to improve bicycle and pedestrian facilities on Adeline Street between Ashby Avenue and Shattuck Avenue to be incorporated into the City's T1 Bond-funded repaving project. The project includes traffic counts, intersection traffic analysis, and 30% preliminary design for a parking-protected Class IV bike lane. Joe is also helping to develop concept design of a Class IV Bikeway on Hearst Avenue between Milvia Street and Shattuck Avenue.

PALO ALTO BIKE BOULEVARDS PHASE II DOWNTOWN AND MIDTOWN

Alta is providing civil and geometric design services for four bicycle boulevard corridors in Palo Alto. These projects include consideration of various treatments including green bicycle lanes, cycletracks, intersection treatments, roundabouts, and traffic calming. This project will quickly build the City's bicycle network by linking schools, parks, and job centers and establishing high-quality facilities to attract additional ridership within the community. Joe assisted the team in drafting and assessing the design of the 100% submittal of the AMBLUR Bike Boulevards construction documents in Palo Alto, CA. As parts of this project, Joe worked with the team to create the 100% construction documents, assess the feasibility of design features using truck turning movements, and generating cost estimates.

MORGAN HILL MONTEREY ROAD DIET AND COMPLETE STREETS PROJECT

Alta led a Complete Streets demonstration project for a six-month pilot of roadway and public space improvements on Monterey Road in the City of Morgan Hill. Meetings were held with City staff, stakeholders, and residents to determine the top two alternatives which were temporarily built in a three-day pop-up event. Joe provided traffic engineering support.

WALK BIKE NORTHAMPTON, NORTHAMPTON, MA

Joe developed a set of standard details for pedestrian crossings as a segment of the Northampton Bike Ped masterplan. The details included low cost improvements, such as striping and signage details, as well as higher cost infrastructure, such as curb extensions, median islands, and raised crosswalks.

LOGAN UTAH BICYCLE MASTER PLAN, LOGAN, UT

Joe developed the signal timing plans and traffic simulation for the installation of two hybrid beacons in the city of Logan, Utah. This included the creation of a technical report outlining the level of service impacts of the proposed features and the impacts that those features would have on delay.



Cat Cheng

Graphic Designer



Cat is a graphic designer with 16 years of experience in print and brand identity. She brings fresh concepts and thoughtful typography to print and web for Alta's marketing programs, and has worked on numerous projects involving strategy, concept development, branding, design, layout, and print production/management.

Before joining Alta, she developed several campaigns and materials for Safe Routes to School programs, map design and production for the local cities, print and signage for transit agencies, and print and web design for advocacy organizations. Cat has a degree in Architecture and Visual Communications from Washington University in St. Louis, and her work has been featured in Communication Arts Magazine.

EDUCATION

BA, Washington
University, St. Louis, MO,
2003

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2013–
Independent
Contractor, 2007–2012
Grapheon Design,
2007–2012
Just Out Newsmagazine,
2005–2007
Arts In Transit/Metro,
2003–2005

OFFICE

Portland, OR

RELEVANT EXPERIENCE

LIVERMORE ACTIVE TRANSPORTATION PLAN, CA

Cat was a Graphic Designer for the Bicycle, Pedestrian, and Trails Active Transportation Plan for the City of Livermore. The project will include an extensive public engagement process, and assessment of bicycle and pedestrian demand, a Level of Traffic Stress (LTS) analysis, and a healthy community and equity analysis. The final plan will set forth an implementation process to implement and install the updated list of recommendations, which will build on the city's existing and well-used network of trails, sidewalks and bicycling facilities

OAKLAND BICYCLE MASTER PLAN UPDATE

Alta assisted the City of Oakland in the 2016 Oakland Bicycle Master Plan Update. Tasks included documentation of existing conditions and current best practices, planning for a network of high-quality bikeways serving "all ages and abilities", establishing a methodology for measuring the quality and connectivity of bikeways, and developing an action oriented plan with performance measures for increasing bicyclist mode share, decreasing bicyclist crashes, and improving the quality of bike-ways. Cat served as a Graphic Designer on the Project.

PORTLAND CENTRAL CITY MULTIMODAL PLANNING AND DEVELOPMENT, OR

Alta established a plan that will help the Central City meet the City's safety and transportation goals. For public engagement, Alta's graphic designers worked to develop a robust series of online open houses to solicit community input on the planning process.

WEST PALM BEACH MOBILITY PLAN AND OKEECHOBEE BLVD CORRIDOR STUDY, WEST PALM BEACH, FL

Cat led the development of the graphic design program for the West Beach Mobility Plan. The focus was on moving people, not cars, and aligning the City's transportation investments with its larger goals related to economic development, quality of life, safety, and public health. She also provided graphic design services for the Okeechobee Boulevard Corridor Study.

ATLANTA REGIONAL COMMISSION BICYCLE AND PEDESTRIAN MASTER PLAN UPDATE, GA

This effort will develop a regional policy framework capable of delivering high-quality walking and bicycling projects that improve transportation options and enhance quality of life in metro Atlanta. The plan will include an analysis of current travel patterns organized around safety, mobility, and economic competitiveness, and will include a regional trail vision and context-appropriate design strategies. Cat designed the final three-part report, full of maps and infographics.



Zane Taylor

Web Developer



Zane is an accomplished web engineer with over a decade of experience in interactive design and development. He has created web sites, platforms, applications, and tools for a wide array of small businesses, non-profits, and public agencies, and specializes in user experience, interface development, and cross-platform digital strategy.

EDUCATION

BA, English, Missouri
State University, 2010

PROFESSIONAL HIGHLIGHTS

Alta Planning + Design,
2018–

Work selected for
two Horizon Interactive
Awards, 2014

Co-founder, Totally
Agency, 2014

OFFICE

Portland, OR

RELEVANT EXPERIENCE

LA METRO LA RIVER GAP CLOSURE PROJECT

The Los Angeles River Path Project will design and construct a bike path along an eight-mile stretch of the Los Angeles River from Elysian Valley through Downtown Los Angeles to the City of Vernon, closing the longest remaining continuous gap in the Los Angeles River Bike Path. Zane produced a web tool in conjunction with in-person outreach meetings for community input to inform the design process. The web tool collected feedback on access, routes, and amenities for the path through survey questions, video, and an interactive map. The web tool informed users and collected feedback on access, routes, and amenities for the pathway using illustrations, video, custom interactive survey prompts, and interactive maps.

CONNECT AUBURN, AUBURN, AL

Zane led development of the web-based outreach tools for this bikeway and greenway planning project, which included a website hub for sharing plan details, events, and web/social media outreach as well as an interactive public input map designed to engage community members in the planning process.

NHDOT STATEWIDE BICYCLE AND PEDESTRIAN PLAN

Alta was selected by NHDOT to develop the Granite State's first Pedestrian and Bicycle Plan. The year-long effort involves a robust public outreach in all corners of the state and includes an online input map and social media campaign. The scope of work includes an analysis of existing policies and programs, an inventory of trails and on-street bikeways and a gap analysis. Capturing all of the Alta team's work is a ten-minute video documenting the outreach process and the resulting planning recommendations.

WEST MULTNOMAH SOIL & WATER CONSERVATION DISTRICT, PORTLAND, OR *

Zane led design and development for a comprehensive overhaul of WMSWCD's public website, which serves primarily as an outreach and educational tool and collects a vast library of public resources as well as serving as a hub for news and events, project and service details, and public engagement efforts. The project's highlights were a design focus on modernizing the overall visual identity and planning and developing an organizational and management system for the library of content items, documents, media, and other resources published on the web by the organization.

**Completed prior to joining Alta*

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 8, 2019
Subject:	Acceptance of the Riverbank Industrial Complex Dock Leveler Project and Authorization to File a Notice of Completion
From:	Sean Scully, City Manager
Submitted by:	Laura Graybill, Project Coordinator Melissa Holdaway, Administrative Analyst II

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Riverbank Industrial Complex Dock Leveler Project and authorize staff to file a Notice of Completion.

SUMMARY:

Riverbank Construction, Inc. has completed the construction of the Riverbank Industrial Complex Dock Leveler Project. City staff has completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on May 14, 2019 to Riverbank Construction, Inc. in the amount of \$89,894.00. There were no change orders for this project.

It is recommended that the Council accept the Riverbank Industrial Complex Dock Leveler Project as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

The total cost of construction is \$89,894.00. The total project was covered by the Community Development Block Grant.

ATTACHMENTS:

1. Notice of Completion
2. Site Map
3. Photos

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATE

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

SPACE ABOVE THIS LINE
FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.

2. The full name of the undersigned is City of Riverbank
(Print Full Name)

3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367
(Address, City, State, Zip)

4. The nature of the title of the undersigned is:

☒ Owner in Fee, **or**

☐ Vendee (Buyer) under Contract of Purchase, **or**

☐ Lessee, **or**

☐ Other

If "Other," briefly list or describe appropriate designation or title _____

5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A

7. A work of improvement on the property described below was completed on October 8, 2019
(Date of Completion)

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

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



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

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

☐ The kind of work done or finished was Installation of dock leveler, lighting, roll-up door and staircase.
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)

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

Riverbank Industrial Complex Dock Leveler Project

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

10. The street address of the said property is 5300 Claus Road, Modesto, CA 95357

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

Dated this 8th day of October, 2019
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

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

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

Executed in City of Riverbank, County of Stanislaus, State of California
on this 8th day of October, 2019
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Project Coordinator

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

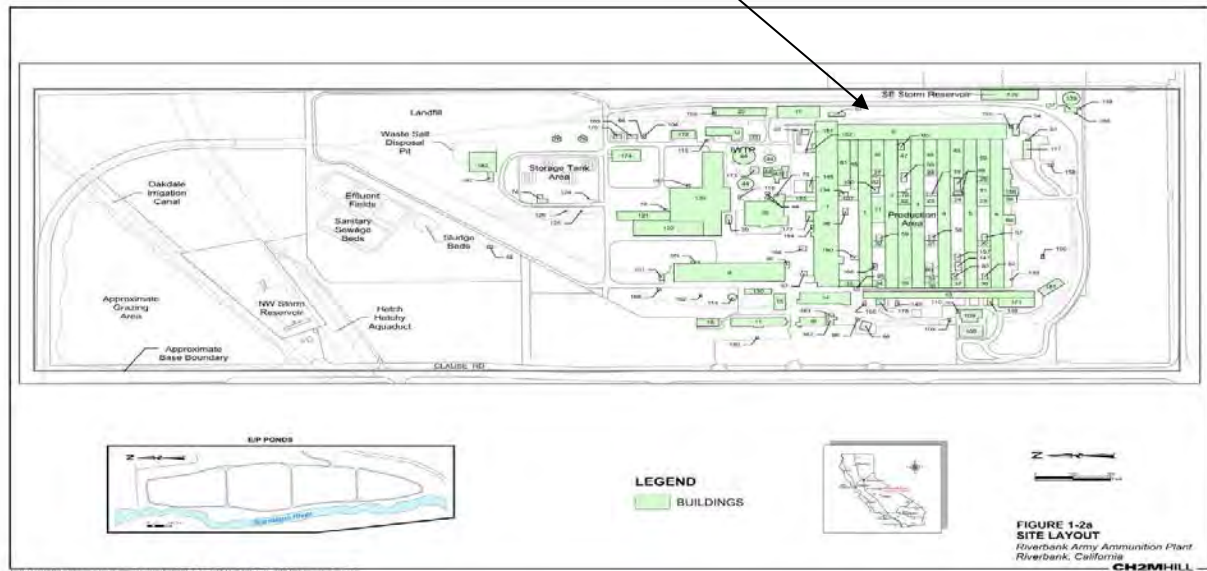
If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

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

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

Site Map

Building 8, Door 6



Riverbank Industrial Complex Dock Leveler Project Photos

Before



After



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.E

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 8, 2019
Subject/ Title:	Award Bid for the Claus Road Overlay Project to DSS Company dba Knife River Construction and Authorize Execution of Future Change Orders
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

RECOMMENDATION

It is recommended that City Council approve two (2) actions by a roll call vote:

1. Award bid to the lowest responsible bidder, DSS Company dba Knife River Construction; and
2. Authorize the City Manager to execute Change Orders within total project budget.

SUMMARY

On November 8, 2016 the Stanislaus County voters approved a ½ cent sales tax measure (Measure L) to fund local and regional transportation projects and programs. Through an analysis of the City's Pavement Management Plan the City has identified Claus Road from Townsend Avenue to Claribel Road segment as needing a pavement overlay using funds the City has received through Measure L.

The Claus Road Overlay Project consists of a 2" uniform AC grind and an asphalt overlay, which is an operation that consists of a new layer of asphalt over an existing pavement surface, on 0.8 miles of Claus Road. The purpose of the project is to repair areas of failing or damaged pavement to extend its service life and to prevent further deterioration of the roadway.

The bid opening was held on Thursday, September 26, 2019 to consider the bids for the Claus Road Overlay Project. The following bids were received:

DSS Company dba Knife River	\$255,584.50
George Reed, Inc.	\$276,792.00
Tom Mayo Construction	\$286,800.00
T & S West	\$322,111.75

Work on the project includes, but is not limited to, furnishing all labor, materials, equipment, transportation, and incidentals necessary to construct all curb removal, grinding, asphalt concrete paving, striping, geotextile fabric, adjusting structures to grade and all other work included on the plans for the above mentioned project.

Staff budgeted \$350,000.00 of the Measure L funds for this work. The lowest responsible bidder came in lower than anticipated at \$255,584.50. This will allow us to use these funds on other current projects scheduled with Measure L funds.

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

It is requested that the City Council provide the City Manager authorization to execute Change Orders if they are within total budget.

FINANCIAL IMPACT

Funding has been programmed for this project with Measure L Funds.

ATTACHMENT

- 1) Site Map

Claus Road Overlay Project

between Townsend Ave and Claribel Road



RIVERBANK APPEALS BOARD AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	October 8, 2019
Subject:	Appeal Hearing to Consider City Issued Administrative Citation for the Discharge of Illegal Fireworks
From:	Sean Scully, City Manager
Submitted by:	Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council consider the appeal request and any evidence presented by City Staff and the Appellant to determine and declare (by minute order) whether to uphold or reverse the Notice of Violation and related Administrative Citation issued by the City for violation of the Riverbank Municipal Code Section 92.30(B).

INTRODUCTION

Administrative citations are issued by City staff primarily to gain compliance with State or Municipal Codes and regulations in a timely and efficient manner, as well as to protect the public health, safety and welfare of its citizens. In addition, it provides a method to hold parties responsible when they fail or refuse to comply with these provisions; it minimizes the expense and delay of pursuing compliance through the civil or criminal justice system; and allows the City to partially recover its costs to bring the responsible party into compliance.

SUMMARY

The following appeal request is scheduled to be considered by the City Council:

CIT. #	NAME	DATE OF CITATION	RIVERBANK MUNICIPAL CODE	OFFENSE	FINE	VIOLATION
2019-0280	Lourdes Chavez	07/04/2019	Fireworks Section 92.30(B)	1st	Fine paid \$1000	Illegal fireworks discharge (City Staff Reported)

The City Clerk received an appeal request for Notice of Violation and related administrative citation fine issued to the resident. A timely notice of an appeal hearing scheduled for Tuesday, September 17, 2019, at 6:30, or soon thereafter, before the Appeals Board was emailed and mailed via US Postal Service by the City Clerk, with additional follow up emails conducted to ensure the Appellant appeared for the hearing. On the evening of the hearing, the Appellant was not present and therefore the Board declared the citation and related fine upheld due to her failure to appear. The Appellant arrived after the appeal proceedings had ended and spoke to staff.

In accordance with policy, an Appellant has the opportunity to appeal the decision made by the Appeals Board to the City Council. As required, a notice of the hearing scheduled for October 8, 2019, at 6:00 p.m., to appear before the Council was emailed and mailed via US Postal Service to the Appellant on Friday, September 27, 2019, by the City Clerk. Confirmation by the Appellant of receipt of the notice, and to appear at the hearing was received by the City Clerk via email.

The City Council is the final authority to consider this matter. Council's final action to declare whether the citation is upheld or reversed (i.e., dismissed) will stand, and a formal letter to the Appellant will be mailed soon thereafter to confirm the final decision.

FINANCIAL IMPACT

If the appeal request is reversed the City of Riverbank will refund the paid citation (\$1,000). If the appeal request is upheld the City of Riverbank will retain the citation amount (\$1,000). Although the fine is established with the intent of being punitive, in the hope that it will deter illegal firework activity, the fine amounts collected do go toward partially offsetting the significant cost that has been expended in enforcing this ordinance (law enforcement overtime, staff overtime, outreach materials, and costs associated with processing appeals). The net effect of the ordinance enforcement as a whole is a negative budget impact as is the case with many code enforcement activities. In general, full cost recovery is not typically achievable when compliance (and not revenue) is the core goal of code enforcement.

STRATEGIC PLANNING

The City's new Municipal Code on legal and illegal fireworks meets the City's strategic goals to improve public safety, enhance external communication on the sale or discharge of legal or illegal fireworks within the City limits, as well as to strive to enhance the quality of life in Riverbank.

ATTACHMENTS

1. Reference copy of RMC Fireworks Sections 92.30

§ 92.30 PROHIBITIONS OF USE OR DISPLAY, DISCHARGE OF FIREWORKS.

(A) It shall be unlawful to sell or offer for sale any fireworks in violation of the regulations established by the city's code.

(B) It shall be unlawful to possess, discharge, sell or offer for sale, any fireworks within the city which are classified as "dangerous fireworks" as defined by the Cal. Health & Safety Code.

(C) It shall be unlawful for any person having the care, custody or control of a person under the age of 16 years to permit such person to discharge any safe and sane fireworks unless such minor does so under the direct supervision of a person over 18 years of age, and during the hours and on the days permitted by this subchapter.

(D) It shall be unlawful to throw, toss, project or position an ignited firework of any kind in such a manner as to cause the firework or contents thereof to come in contact with another person's body, private property, or real property.

(E) It shall be unlawful for any person to discharge or permit the discharge of any safe or sane fireworks within any public property, buildings, or facilities, except by the approval of the City Council.

(F) It shall be unlawful to discharge any safe or sane fireworks during any other time except during the period beginning June 28 through July 6 between the hours of 12:00 noon and 10:00 p.m. of each year; or as amended by City Council resolution.

(Ord. 2018-007, passed 12-11-18)

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	October 8, 2019
Subject:	First Reading by Title Only and Reintroduction of a Revised 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 revised 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 October 22, 2019, for consideration of its adoption.

SUMMARY

Council previously heard the first reading of this item on September 10, 2019. Staff made changes to the ordinance based on a discussion with Council that included adding noise restrictions, tobacco and cannabis use restrictions, and a revised appeal process that is consistent with the City's existing process. Those changes can be found in the redlined copy of the draft ordinance (Attachment 1). Otherwise, the rest of the ordinance and the information in this staff report remains unchanged.

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 draft ordinance, 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 vendors 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 public hearing notice was published in the Riverbank News on September 25, 2019, and posted at City Hall North, and the Riverbank Community Center the same day.

ATTACHMENTS

1. Revised Proposed Ordinance 2019-XXX – (lined version)
2. Previous Proposed Ordinance 2019-XXX

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.

(M) Sidewalk vendors shall not play or operate any drum, radio, CD Player, phonograph, cell phone, loud speaker, sound amplifier, car radio/CD or tape, television, or similar sound-amplifying device, whether mobile or from a fixed location upon the public streets, public rights-of-way, or in public parks.

(N) Sidewalk vendors shall not smoke or use tobacco or cannabis products on any public property during their hours of operation, including during their breaks and meals. Public property includes, but is not limited to public streets, public rights-of-way, or in public parks.

§126.07 Prohibited Activities.

(A) Sidewalk vendors shall comply with all operating conditions, including those conditions set forth in Chapters 92.50 (smoking restrictions), 93 (noise regulations), 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 [92.50 \(smoking restrictions\)](#), [93 \(noise regulations\)](#), 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, [while the concessionaire is in operation](#).

§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.

(G) Administrative fines shall be imposed and enforced pursuant to Chapter 99 of the Municipal Code of Riverbank.

(H) Nothing in this chapter shall be deemed to prevent the city from commencement of any available administrative, civil and/or criminal provisions of law as an alternative and/or in addition to the enforcement proceedings set forth in this chapter.

§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 ~~to deny an application for a permit, 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 ~~to deny an application for a permit 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)~~(E)~~ 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)~~(F) 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)(G)~~ After the hearing, the hearing officer shall affirm, modify or reverse the original decision to deny an application for a permit 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~~ October 8, 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:

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

APPROVED:

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

REVISED PROPOSED

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

§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, table, 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, table, 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.

(M) Sidewalk vendors shall not play or operate any drum, radio, CD Player, phonograph, cell phone, loud speaker, sound amplifier, car radio/CD or tape, television, or similar sound-amplifying device, whether mobile or from a fixed location upon the public streets, public rights-of-way, or in public parks.

(N) Sidewalk vendors shall not smoke or use any tobacco or cannabis products on any public property during their hours of operation, including during their breaks and meals. Public property includes, but is not limited to all public streets, public rights-of-way, or public parks.

§126.07 Prohibited Activities.

(A) Sidewalk vendors shall comply with all operating conditions, including those conditions set forth in Chapters 92.50 (smoking restrictions), 93 (noise regulations), 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 92.50 (smoking restrictions), 93 (noise regulations), 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, while the concessionaire is in operation.

§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