***NOTICE:* THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.**

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

(City Council also serves as the LRA Board)

TUESDAY, SEPTEMBER 8, 2020 – 6:00 P.M.

VIA TELECONFERENCE OR VIRTUAL PLATFORM ONLY – NO OPEN PUBLIC LOCATION

(CITY HALL IS LOCATED AT 6707 THIRD STREET, RIVERBANK. CA 95367)

A G E N D A

(THE AGENDA PACKET IS AT HTTP://WWW.RIVERBANK.ORG/AGENDACENTER)

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 Luis Uribe (CM-D1)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell
Council/Authority Member District 4 Darlene Barber-Martinez

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

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

1. PRESENTATIONS

There are no presentations.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes or as stated by the presiding Officer.** Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to last page 5 for the Public Comment procedures.

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 May 26, 2020 City Council and Local Redevelopment Authority Board Minutes.

Item 3.B-1: Approval of the June 9, 2020 City Council and Local Redevelopment Authority Board Minutes.

Recommendation: Approval of the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

The public notice for the Public Hearing Item was published in the Riverbank News on 8/19/2020 and 08/26/2020

Item 5.1: **A Resolution Approving the Findings of the Traffic Impact Mitigation Fee Program Update, July 16, 2020 and Adopting the City of Riverbank Growth Related Traffic Impact Mitigation for the General Plan Time Frame of 2005-2025, establishing updated System Development Fees Related to Traffic to be Effective November 7, 2020** – It is recommended that Council motion to approve the findings of the Traffic Impact Mitigation Fee Program Updated July 16, 2020 Adopt the proposed Resolution No. 2020-xxx to establish updated System Development Fees related to Traffic.

6. NEW BUSINESS

Item 6.1: **Designation of a Voting Delegate and Alternate(s) to Attend the Virtual 2020 League of California Cities Annual Conference and Expo** – It is recommended that City Council designate, by roll call vote, Members of the Council as the Voting Delegate and one or two alternates to attend the 2020 League of California Cities Annual Conference and Expo, to be held virtually on October 7 – 9, and to participate in the Annual Business Meeting for the consideration of resolutions that establish League policy.

Item 6.2: **General Local Public Health COVID-19 Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

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 3 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 – ANTICIPATED LITIGATION**
Pursuant to subdivision (b) of Government Code § 54956.9
Number of cases: (1) potential case

Item 8.2: **LIABILITY CLAIMS**
Pursuant to Government Code § 54956.95
Claimant: Luis Mejia
Agency claimed against: City of Riverbank

Item 8.3 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 2767 Topeka Street (APN 075-003-011 and APN 075-003-012)
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Wymond Real Properties 1 LP
Under Negotiation: Price, terms of payment, or both

Item 8.4: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 6436 Oakdale Road (APN 064-053-054)
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Built by Burt, II, LLC
Under Negotiation: Price, terms of payment, or both

Item 8.5: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: APN: 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

ADJOURNMENT – THE PUBLIC PORTION OF THE MEETING

(The next regular meeting is on Tuesday, September 22nd @ 6:00 p.m.)

9. REPORT FROM CLOSED SESSION

The Mayor's report on the Closed Session Items will be made to the City Clerk, and will be reflected in the Minutes of this meetings. Anyone interested in obtaining the report from Closed Session may contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198.

ADJOURNMENT of the Tuesday, September 8, 2020 Regular Meetings

AFFIDAVIT OF POSTING
I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on an accessible public location, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. **Posted this 3rd day of September, 2020** **/s/*Annabelle H. Aguilar, CMC, City of Riverbank***

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at aaguilar@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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.

PUBLIC PARTICIPATION PROCEDURES FOR THE CITY COUNCIL/LRA MEETINGS HELD IN A TELECONFERENCE OR VIRUAL PLATFORM IN CONFORMANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20

CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

PUBLIC "LIVE" VIEWING

- Charter Government Channel – 2
- AT&T U-VERSE Government Channel – 99
- YouTube Live Stream https://www.youtube.com/watch?v=7UN98ekdzdk
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS

- ***Via Mail Service:*** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received **by 4:00 p.m.** on the day of the meeting.)

Via Email to cityclerk@riverbank.org:

- Written comments via Email *before* the meeting: (Will be distributed to the City Council)
  - **Submit No later than 4:00 p.m.** on the day of the meeting; and
  - Indicate Agenda Item # in the ***subject line***.
- Emails *during* the meeting:
  - Indicate Agenda Item # in the subject line.

Join via ZOOM Platform:

- Visit https://zoom.us/j/94943925973?status=success for a free account or to download the app.
- Join by this link: https://us02web.zoom.us/j/87639561441
- Join by accessing website: https://zoom.us/join
  - Webinar ID: 876 3956 1441
- Join by telephone: 1 669 900 9128 or 1 346 248 7799

- *HOW DO I COMMENT?* The Mayor will announce when public comment may be made for the agenda item, at which time you will:
  - Using a computer – click on the "raise hand" feature in the webinar controls. This will let us know you wish to speak.
    - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
  - Using a Phone – Dial *9, which will notify us that you have a "raised hand"
    - Once you are told "you may make your comments" you will have 3 minutes to make your comments.

1. *Learn about using ZOOM* - **Visit https://support.zoom.us/hc/en-us/categories/201146643**

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 8, 2020
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

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

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

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 8, 2020
Subject:	Approval of the May 26, 2020, City Council and Local Redevelopment Authority Board 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 May 26, 2020, 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. May 26, 2020, City Council and LRA Minutes

(BY VIRTUAL PLATFORM ONLY)
City of Riverbank
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD MEETINGS
(The City Council also serves as the LRA Board)
Conducted via ZOOM from various local virtual locations

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

MINUTES OF
TUESDAY, MAY 26, 2020

Notice: ***This meeting was held in accordance with the Governor's Executive Order N-29-20, issued on March 12, 2020, in regards to the open meeting requirements of the Ralph M. Brown Act (California Government Code Section 54950, et seq.), and the Federal Americans With Disabilities Act.***

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 by ZOOM virtual platform with Mayor/Chair Richard D. O'Brien presiding.

Mayor O'Brien announced the conduct of the meeting via virtual platform pursuant to the Governor's Executive Order, and that the (209) 863-7172 phone line was not available for comments during the meeting.

FLAG SALUTE Mayor/Chair Richard D. O'Brien

INVOCATION There was no invocation.

ROLL CALL
Virtually Present:
Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair (CM-D1) Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell
Council/Authority Member District 4 Darlene Barber-Martinez

Staff Present: City Manager Sean Scully, Assistant City Manager Marisela Garcia, City Attorney Nubia Goldstein, Police Chief Ed Ridenour, and City Clerk Annabelle Aguilar

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.

No one declared a conflict.

1. PRESENTATIONS

There were no presentations.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 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.

Send comments via email to cityclerk@riverbank.org and indicate in the subject line "#2 Public Comment".

There were no public comments.

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 April 28, 2020 City Council and Local Redevelopment Authority Board Minutes.

Item 3.C: Acceptance of the Parking and Trail Improvements at Jacob Myers Park Project and Authorization to File a Notice of Completion.

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

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

<u>4. UNFINISHED BUSINESS</u> There were no items to consider.

<u>5. PUBLIC HEARINGS</u> There were no items to consider.

<u>6. NEW BUSINESS</u>

Mayor O'Brien announced public comment could be made to the end of the presentation.

<u>Item 6.1:</u> A Resolution [No. 2020-021] Authorizing the Mayor to Execute and Enter into a New Employment Agreement with Sean Scully as City Manager – It is recommended that the Riverbank City Council: (1) approve the new City Manager Employment Agreement between the City of Riverbank and Sean Scully in a form approved by the City Attorney; and (2) authorize and direct the Mayor to execute the New Agreement on behalf of the City.

City Attorney Nubia Goldstein presented the staff report, which entailed new terms of:
The Third Agreement makes the following changes to Mr. Scully Agreement:

- ***Section 3.4. Adds 2 years to the term of the contract (now expiring January 2, 2023) with the possibility of a one-year extension.***
- ***Five percent (5%) step increase applied starting the first pay period in January 2020 increased the City Manager's annual base salary One Hundred Sixty-Five Thousand Two Hundred Seventy-One dollars and 56/100 ($165,271.56).***
- ***Added Section 5.16 Longevity Incentive which would allow the City Manager to be eligible in the City's Longevity Pay pursuant to City Policy.***

All other terms of the employment agreement remain the same.

There were no public comments.

<u>ACTION:</u> ***By motion moved and seconded (**Campbell / Fosi **/ passed 5-2) to adopt <u>Resolution No. 2020-021</u> authorizing the Mayor to Execute and Enter into a New Employment Agreement with Sean Scully as City Manager as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

<u>Item 6.2:</u> A Resolution [No. 2020-022] Authorizing the City Manager to Execute and Enter into a New Employment Agreement with Marisela H. Garcia as Assistant City Manager/Administrative Services Director – It is recommended that the Riverbank City Council: (1) approve the new Assistant City Manager Employment Agreement between the City of Riverbank and Marisela Garcia in a form approved by the City Attorney; and (2) authorize and direct the City Manager to execute the New Agreement on behalf of the City.

City Manager Sean Scully presented the staff report, which entailed the new terms of:

- ***The term of the agreement will be for a four (4) year period retro actively beginning November 1, 2019 and expiring on November 1, 2023.***
- ***Longevity Incentive is included to clarify that Ms. Garcia will be eligible for longevity increases in compliance with the same schedule already in place for Mid Management and Miscellaneous Bargaining Units (as has been general past practice). That longevity incentive is as follows:***

Years of Service	***Longevity Pay Rate***
13 but less than 20	***5% of Base Salary***
20+	***additional 2.5% of Base Salary (total of 7.5%)***

- ***Employee shall not receive cost of living adjustments (COLA) currently agreed to with Mid Management and Miscellaneous Bargaining Units for the 2022 or 2023 years.***
- ***The City will match Employee's contribution to the deferred compensation plan in an amount not to exceed Seventy-Five Dollars ($75.00) each pay period (previous agreement matched $25.00 per pay period).***
- ***Employee shall earn twenty-five (25) working days of vacation per year with a maximum accrual of four hundred (400) hours. This will be consistent with other tiered vacation allowances for labor groups and at will employees based on years of service.***
- ***Effective July 1, 2019, Employee shall contribute fifteen percent (15%) of the total cost of healthcare benefits for Employee and any covered dependents and the City will contribute the remainder. Effective July 1, 2020, Employee shall contribute twenty percent (20%) of the total cost of healthcare benefits for Employee and any covered dependents and the City will contribute the remainder. The City will pay the full premium for Employee and family dental and vision coverage during the Term of this Agreement. (Same as previous agreement)***
- ***Base salary $130,000 for the position is unchanged from the 2017 agreement. Since that time step increases and COLA adjustments have adjusted the salary to approximately $144,812.88. (Same as previous agreement).***
- ***All other benefits, responsibilities, and requirements of the employment agreement are unchanged from the 2017 agreement.***

All other terms of the employment agreement remain the same.

There were no public comments.

<u>ACTION:</u> ***By motion moved and seconded (Uribe / Fosi / passed 5-0) to adopt <u>Resolution No. 2020-022</u> authorizing the City Manager to Execute and Enter into a New Employment Agreement with Marisela H. Garcia as Assistant City Manager/Administrative Services Director as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

<u>Item 6.3:</u> **A Resolution [No. 2020-023] Authorizing the City Manager to Execute and Enter into a New Employment Agreement with Sue Fitzpatrick as Parks and Recreation Director** – It is recommended that the Riverbank City Council: (1) approve the new Employment Agreement between the City of Riverbank and Sue Fitzpatrick in a form approved by the City Attorney; and (2) authorize and direct the City Manager to execute the New Agreement on behalf of the City.

City Manager Sean Scully presented the staff report, which entailed the new terms of:

- ***The term of the agreement will be for a three (3) years from the effective date (retroactive to December 11, 2019).***
- ***Longevity Incentive is included to clarify that Ms. Fitzpatrick is eligible for longevity increases in compliance with the same schedule already in place for Mid Management and Miscellaneous Bargaining Units (as has been general past practice). That longevity incentive is as follows:***

Years of Service	***Longevity Pay Rate***
13 but less than 20	***5% of Base Salary***
20+	***additional 2.5% of Base Salary (total of 7.5%)***

- ***Employee shall not receive cost of living adjustments (COLA) currently agreed to with Mid Management and Miscellaneous Bargaining Units for the 2022 or 2023 years.***
- ***The City Attorney has clarified language in section 6.3 related to severance to ensure the provisions of this section are compliant with current state law.***
- ***Base salary $126,091.95 for the position is unchanged from current base salary for the position.***
- ***All other benefits, responsibilities, and requirements of the employment agreement are generally consistent with the previous agreement.***

There were no public comments.

<u>ACTION:</u> ***By motion moved and seconded (*** Campbell / Barber-Martinez ***/ passed 5-0) to adopt <u>Resolution No. 2020-023</u> authorizing the City Manager to Execute and Enter into a New Employment Agreement with Sue Fitzpatrick as Parks and Recreation Director as presented.***
= Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

<u>Item 6.4:</u> **Consider a Resolution [No. 2020-024] to Participate in the Pavement Management Program (PMP) Update for Stanislaus County with Cost Sharing According to the Measure L Local Control Funds Distribution Methodology –** It is recommended that the City Council consider participating in the Pavement Management Program update.

City Manager Sean Scully presented the staff report.
There were no public comments.

ACTION: ***By motion moved and seconded (**Uribe / Fosi **/ passed 5-0) to adopt <u>Resolution No. 2020-024</u> to Participate in the Pavement Management Program (PMP) Update for Stanislaus County with Cost Sharing According to the Measure L Local Control Funds Distribution Methodology as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

<u>Item 6.5:</u> **Workshop: Ward Ave Affordable Housing Project** – It is recommended that the City Council receive information relating the potential future Ward Ave Affordable Housing Project.

City Manager Sean Scully presented the staff report and Mr. Cary Pope's letter requesting the following:

1. ***Review and approve the proposed floor plans and elevations***
2. ***Remove the requirement of a block wall along Ward Ave.***
3. ***Allow paving in Don Rafael Street rather than grass pavers***
4. ***Any items that would be in a conventional HOA to be put in the CFD***
5. ***Extend the life of the Tentative Map with a Development Agreement***
6. ***Allow a minimum 14 foot rear yard setback***
7. ***Waive fees that are identified on Exhibit "A" of this letter***
8. ***Waive development fees relating to the Final Map including but not limited to Park fees, inspection and plan check***
9. ***Obtain grant monies up to $ 400,000 to offset the cost of the offsite development costs to keep the project "affordable".***
10. ***Utilize the city's Down Payment Assistance Program to those borrowers that qualify***
11. ***Re-name the project***

Assistant City Manager Marisela Garcia spoke in regards to grant funding.
City Council discussed the item; deferral of fees would be considered among other requests.
There were no public comments.

MAYOR O'BRIEN CALLED FOR A BRIEF RECESS AT 6:52 P.M.
MAYOR O'BRIEN RECONVENED THE MEETING AT 6:55 P.M.

<u>Item 6.6:</u> **General Local Public Health COVID-19 Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

City Manager Sean Scully presented the staff report.
City Council and Staff discussed the current situation. Discussion of the opening of Jacob Myers Park ensued. Consensus was to authorize Parks and Recreation Director Sue Fitzpatrick manage the opening and use of the park in accordance with the COVID-19 guidelines and restrictions, and have Police Services provide extra security at the River Cove residential area [where there is access to the river].

There were no public comments.

<u>Item 6.7:</u> **Utility Billing Discussion and Feedback** – It is recommended that the City Council provide feedback on the options presented regarding utility billing during the coronavirus ("COVID-19") pandemic.

Assistant City Manager Marisela Garcia presented the staff report.
City Council and Staff discussed the options of:

1. ***Status Quo: Continue with June 1, 2020 payment due date. Application of penalties occurs on June 2, 2020.***
2. ***Delay the due date on the utility bill until June 15, 2020. Apply penalties on June 16, 2020.***
3. ***Do not apply penalties for delinquent bills after the June 1, 2020 due date.***
4. ***Do not perform shut-offs for delinquent billings during the months of June/July (ordered by the Governor)***

Council directed to move forward with option #3.

There were no public comments.

<u>ACTION:</u> ***By motion moved and seconded (Fosi / Uribe / passed 5-0) Option #3: To not apply penalties for delinquent bills after the June 1, 2020, utility billing due date as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

<u>Item 6.8:</u> **CARES Act Funding Allocation Discussion** – It is recommended that the City Council provide feedback to staff regarding the use of the CARES Act Funding Allocation for the City of Riverbank.

Assistant City Manager Marisela Garcia presented the staff report.
City Council and Staff discussed the Item.
City Council directed to use funding received for utility payment assistance; including other utility company payments, small business assistance with priority and eligibility guidelines, and potential homelessness related assistance. The Notice of Funding Availability of grant funds to provide housing assistance will be presented to Council in the near future.

There were no public comments.

<u>ACTION:</u> ***By motion moved and seconded (Uribe / Barber-Martinez / passed 5-0) to approve direction of the use of the CARES Act funding as discussed.***
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

7 COMMENTS/REPORTS

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

Item 7.1: Staff

- ***City Manager Sean Scully announced that Staff was working on an operating budget to be presented to Council next month, and return later with an amended budget. A short presentation will be made on the use of the license reader and cameras.***
- ***Police Chief Ridenour announced that Police Services acknowledged 13 Riverbank High School Seniors for their hard work, since they were unable to have a graduation event.***

Item 7.2: Council/Authority Member

- ***Council/Authority Member Fosi requested that everyone have patience as businesses begin to open, and to continue with social distancing.***
- ***Council/Authority Member Barber-Martinez reported that she has been joining many COVID-19 webinars, Riverbank Citizen Advisory Team for the Riverbank Transportation Plan and comments needed by the public.***
- ***Council/Authority Member Campbell reported on his attendance of various COVID-19 webinars, and will be attending the League of Cities webinar Transportation-Communication Public Works Committee, and asked that everyone be safe out in the Rivers.***
- ***Vice Mayor/Chair Uribe reported on Stanislaus Homeless Alliance and his upcoming tour of the Kansas House Project, and would be attending the League of Cities Revenue and Taxation Committee on June 4th,***

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) thanked staff for the Memorial Day Event; 2) Inquired about the electronic sign project; 3) commented on the need for funding and representation in Washington D.C. and Sacramento, CA; and 4) commented on the changes due to the pandemic and how the City can convert the changes for the betterment of Riverbank.

8. CLOSED SESSION

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

Mayor/Chair O'Brien announced the Closed Session Item(s) and opened the Item(s) for public comment.

Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Aemetis, Inc.
Under Negotiation: Price, terms of payment, or both

Item 8.2: **Threat to Public Services or Facilities**
Pursuant to Government Code § 54957
Consultation with: City of Riverbank Director of Emergency Services

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to subdivision (b) of Government Code § 54956.9
Number of cases: (1) potential case

Item 8.4: **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

There were no public comments.

ADJOURNMENT – THE PUBLIC PORTION OF THE MEETING (The next regular City Council meeting – Tuesday, June 9th @ 6:00 pm)

Mayor O'Brien announced that reports from Closed Session would be made to the City Clerk, and reflected in the Minutes of the meetings. Anyone interested in obtaining the report from Closed Session could contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198.

There being no further open public business, Mayor/Chair O'Brien adjourned the public portion of the meetings at 8:15 p.m.; the City Council and LRA Board went into Closed Session.

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – Aemetis, Inc.

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

Item 9.2: Report from Closed Session on Item 8.2 – **Threat to Public Services or Facilities**

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

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

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

Item 9.4: Report from Closed Session on Item 8.4: **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.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:02 p.m.

ATTEST: (*Adopted 9/8/2020*)

____

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

APPROVED:

____

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-1

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 8, 2020
Subject:	Approval of the June 9, 2020, City Council and Local Redevelopment Authority Board 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 June 9, 2020, 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. June 9, 2020, City Council and LRA Minutes

(BY VIRTUAL PLATFORM ONLY)

City of Riverbank

REGULAR CITY COUNCIL AND

LOCAL REDEVELOPMENT AUTHORITY BOARD MEETINGS

(The City Council also serves as the LRA Board)

Conducted from various local virtual locations

choose civility

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

MINUTES OF

TUESDAY, JUNE 09, 2020

Notice: ***This meeting was held in accordance with the Governor's Executive Order N-29-20, issued on March 12, 2020, in regards to the open meeting requirements of the Ralph M. Brown Act (California Government Code Section 54950, et seq.), and the Federal Americans With Disabilities Act.***

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 by teleconference only, with Mayor/Chair Richard D. O'Brien presiding.

Mayor O'Brien announced the conduct of the meeting via ZOOM virtual platform pursuant to the Governor's Executive Order, live viewing via YouTube and ZOOM and the procedures for public comments.

FLAG SALUTE Mayor/Chair Richard D. O'Brien

INVOCATION There was no invocation.

ROLL CALL
Virtually Present:
Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair (CM-D1) Luis Uribe
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 3 Cal Campbell
Council/Authority Member District 4 Darlene Barber-Martinez

Staff Present: City Manager Sean Scully, Assistant City Manager/ASD Marisela Garcia, City Clerk Annabelle Aguilar, City Attorney Tom Hallinan, Police Chief Ed Ridenour, Planning and Building Manager Donna Kenney, and Parks and Recreation Director Sue Fitzpatrick.

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – ***There were no changes 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.

Councilmember Barber-Martinez and Mayor O'Brien declared a conflict of interest with Item 3.E-2.

1. PRESENTATIONS

Item 1.1: Security Camera Update by Chief Ridenour.

Chief Ridenour made the 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.

(Refer to Page 6 of the agenda for the Public Comment Procedures page.)

There were no public comments.

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 May 12, 2020 City Council and Local Redevelopment Authority Board Minutes.

Item 3.C: A ***Resolution [No. 2020-025]*** Calling and Giving Notice for the Holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the By-District Elections of Councilmember District 2, Councilmember District 4, and Election of a Mayor At-Large as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; to Request the Stanislaus County Board of Supervisors to Permit the County Elections Official to Render Election Services to the City; and, to Request the Consolidation of Said Election with the Statewide General Election Held on the Same Date

Item 3.E: Three (3) **Resolutions** for Each of the Following Landscape and Lighting Districts to: 1.) Initiate Proceedings for the Annual Levy of Assessments; 2.) Declare Its Intention to Levy Annual Assessments; and 3.) For Preliminary Approval of the Annual Levy Report for Fiscal Year 2020/2021:

- **3.E-1:** Consolidated Landscaping and Lighting District
  [Resolutions No. 2020-026, No. 2020-027, and No. 2020-028]
- **3.E-2:** Crossroads Landscaping and Lighting District
  [Resolutions No. 2020-029, No. 2020-030, and No. 2020-031]
- **3.E-3:** Ridgewood Place Landscaping and Lighting District
  [Resolutions No. 2020-032, No. 2020-033, and No. 2020-034]
- **3.E-4:** River Cove Landscaping and Lighting District
  [Resolutions No. 2020-035, No. 2020-036, and No. 2020-037]
- **3.E-5:** Sierra Vista Estates Landscaping and Lighting District
  [Resolutions No. 2020-038, No. 2020-039, and No. 2020-040]

Item 3.F: A **Resolution** for Each of the Following Storm Drain Maintenance Districts Ordering the Levy and Collection of Assessments for Fiscal Year 2020/2021:

- **3.F-1:** Riverbank Storm Drain Maintenance District No. 2006-01 (Heartlands)
  [Resolution No. 2020-041]
- **3.F-2:** Riverbank Storm Drain Maintenance District No. 05-01 (Sterling Ridge)
  [Resolution No. 2020-042]

Recommendation: Approval of the Consent Calendar items by roll call vote.

Note: There was no Item 3.D listed for consideration on this agenda.

ACTION: ***By motion moved and seconded (Uribe / Campbell / passed 5-0) to approve Consent Calendar Items 3.A through 3.C, and 3.E-1, 3.E-3, 3.E-4, 3.E-5, 3.F-1 and 3.F-2 as presented.***
Motion carried by unanimous City Council and LRA Board roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor/Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

Reference Item 3.E-2: ***Mayor O'Brien and Councilmember Barber-Martinez recused themselves from consideration of this Item due to a conflict of interest.***

ACTION: ***By motion moved and seconded (Uribe / Fosi / passed 3-0) to approve Consent Calendar Item 3.E-2 as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Campbell, Fosi, and Vice Mayor Uribe
NAYS: None / ABSENT: None / ABSTAINED: None

4. WORKSHOPS

Information and educational presentation of a subject matter to receive direction and to prepare for its future consideration and decisions by the City Council.

Item 4.1: **Fiscal Year 2020-21 Major Fund Budget Workshop** – It is recommended that the City Council receive the information and provide feedback in anticipation of adoption of the Preliminary Budget on June 23, 2020. A Final Budget will be presented to Council in September 2020.

Assistant City Manager/ASD Marisela Garcia presented the staff report.
There were no public comments.

Item 4.2: **Workshop: Law Enforcement Services Agreement** – It is recommended that the City Council receive the information provided in the workshop and ask questions or raise concerns as necessary.

City Manager Sean Scully presented the staff report.
City Council and Staff discussed the Item.
There were no public comments.

5. PUBLIC HEARINGS

Item 5.1: **The First Reading and Introduction of a Proposed Ordinance [No. 2020-008] Approving a Development Agreement By and Between the City Of Riverbank and Canna Mart, LLC, a California Limited Liability Corporation Doing Business as Canna Mart** – It is recommended that the City Council conduct the public hearing and consider its approval, which initiates the second reading of the ordinance at the July 28, 2020, regular City Council meeting or soon thereafter to consider its adoption.

Planning and Building Manager Donna Kenney presented the staff report.
Consultant for Canna Mart, LLC spoke in support of the project.
Mayor O'Brien opened the public hearing at 7:3 p.m.; no one spoke, the hearing was closed.

Mayor O'Brien, Vice Mayor Uribe, and Councilmember Campbell spoke in support of the cannabis dispensary. Councilmember Fosi and Councilmember Barber-Martinez stated their concerns with the location of this dispensary.

ACTION: ***By motion moved and seconded (Uribe / Campbell / passed 5-0) to approve the first reading and introduction of the proposed Ordinance [No. 2020-008] to initiate a second reading by title and consider its adoption on June 23, 2020, as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Fosi, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

6. NEW BUSINESS

Item 6.1: **Illegal Firework Enforcement Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

City Manager Sean Scully presented the staff report.
City Council and Staff discussed the item.
There were no public comments.

Item 6.2: **General Local Public Health COVID-19 Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

City Manager Sean Scully presented the update of the current pandemic statistics; youth sports, pools, and picnic gatherings continued to be prohibited; and parks are open with restrictions.
Mayor O'Brien left the meeting at 8:08 p.m., and returned at 8:12 p.m.
Discussion of the management of capacity at Jacob Myers Park ensued.
Council consented with Parks and Recreation Director Sue Fitzpatrick to take the actions necessary to abide by the State and County COVID-19 guidelines to manage capacity, and of an electronic sign to inform people approaching the Park when the capacity has been reached.

There were no public comments.

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 reported on the River Cove community meeting to address the public's concerns with people using that location to access the river, the excessive drinking, and disturbances, and how the City will be responding to their concerns. A follow up meeting will be conducted in six weeks to evaluate the situations.***

Item 7.2: Council/Authority Member

- ***Council/Authority Member Campbell commended Police Services for their immediate response to the River Cove situations.***
- ***Council/Authority Member Barber-Martinez reported on her attendance of the League of Cities Community Policy Committee meeting; she requested people to consider wearing a mask; and stated that Council should consider making a mask a requirement.***
- ***Vice Mayor/Chair Barber-Martinez reported that he would be attending the League of Cities Executive Forum, the Groundwater Basin Meeting, and the Stanislaus Homeless Alliance meeting.***

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien spoke in regards to the George Floyd incident and systemic change, and the need to discuss this at the next Council meeting and try to come up with a cohesive and manageable program to move forward. Announced the U.S. Conference of Mayors and National of League Cities to include all cities for the HERO's Act.

8. CLOSED SESSION

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

Mayor/Chair O'Brien announced the Closed Session Item(s) and opened the Item(s) for public comment; no one spoke.

ADJOURNMENT – THE PUBLIC PORTION OF THE MEETING (The next regular City Council meeting – Tuesday, May 12th @ 6:pm)

Mayor O'Brien reported that the reports from Closed Session would be made to the City Clerk, and reflected in the Minutes of the meetings. Anyone interested in obtaining the report from Closed Session could contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198.

There being no further open public business, Mayor/Chair O'Brien adjourned the public portion of the meetings at 9:06 p.m.

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – with Virginia Jones

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** – with Aemetis, Inc.

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

Item 9.3: Report from Closed Session Item 8.3: **LIABILITY CLAIMS**
Claimant: Alcira Padilla-Vega
Claimant: Ismael Martinez, Jr; and
Claimant: Sylus Mason Martinez

Mayor O'Brien reported that by a vote of 5-0, Council unanimously rejected all three claims.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 9:26 p.m.

ATTEST: (*Adopted 9/8/2020*)

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

APPROVED:

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	September 8, 2020
Subject/ Title:	A **Resolution** Approving the Findings of the Traffic Impact Mitigation Fee Program Update, July 16, 2020 and Adopting the City of Riverbank Growth Related Traffic Impact Mitigation for The General Plan Time Frame Of 2005-2025, Establishing Updated System Development Fees Related to Traffic to be Effective November 7, 2020
From:	Sean Scully, City Manager
Submitted by:	John B. Anderson, Contract Planner Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

Motion to approve the findings of the Traffic Impact Mitigation Fee Program Updated July 16, 2020 Adopt Resolution No. 2020-xxx to establish updated System Development Fees related to Traffic.

SUMMARY

The proposed Resolution modifies the current System Development Fees updated to accommodate a 3.5% inflationary adjustment on April 24, 2018 by the City Council pursuant to Resolution 2018-017. This proposed Resolution is being presented to address capital improvements which have been completed to date, to remove projects which are anticipated to be funded by alternative funding sources such as Measure L, SB 1, and CMAQ and to add committed projects for new development such as improvements to Coffee Road. All the remaining Transportation Projects are a direct result of anticipated improvements necessary to accommodate the growth planned as part of Riverbank's 2005-2025 General Plan. As part of this exercise the City Engineer, Giuliani & Kull, has prepared updated costs estimates for all the remaining projects to accurately reflect construction prices in 2020 dollars. As with past fee updates the transportation fee account has been reconciled to acknowledge existing fees in the System Development Fee account, as well as reimbursements currently owed to developers. The net result is a comprehensive traffic impact fee study which reflects community infrastructure needs through the planning period.

BACKGROUND

In February 2019, the City of Riverbank hired Willdan Financial Services to help City Staff complete an update of the Traffic Impact Fee portion of the adopted System Development Fees. Staff in concert with consulting City Engineer, Bill Kull, and Traffic Engineer, Ken Anderson, confirmed the list of traffic projects on the current transportation improvement list as well as obligations assumed under subsequent environmental documents including the Crossroads West EIR. The City Engineer's office, over the course of several months, prepared detailed cost estimates of the remaining transportation projects which in turn were given to Willdan to develop a rational and equitable distribution of costs amongst the various land use types.

ANALYSIS

The City of Riverbank staff has worked closely with Willdan, Giuliani & Kull as well as KD Anderson Transportation Consultants to finalize the study presented herein. The City's Capital Improvement Plan, analysis under the General Plan, and specific analysis undertaken to support this Fee Study, the need for capital improvements to support development anticipated under the General Plan. The infrastructure required to serve new development and the fee associated with this infrastructure is based on the City's required level of service for residential and non-residential development. The City's preferred method of financing this infrastructure is development impact fees (commonly referred to as System Development fees). The impact fees are used to pay for the cost of infrastructure.

The purpose of this Study is to provide the legally required justification for the revision of these fees, and the nexus for each fee, and the proposed use of that fee.

Willdan, as part this analysis, updated future development projections based on data developed during the General Plan. Future projected development within the Planning Area of the City of Riverbank includes 9,422 new dwelling units and approximately 5,401 new employees for retail, office, and other non-residential development.

Proposed Fee Levels

The proposed traffic impact fee levels justified by the findings in the Willdan report of July 16, 2020 are shown in Table 5 below. Residential development impact fees for traffic range from approximately $2,730.00 for higher-density development in a mixed-use context to $4,308.00 for clustered rural residential development. Non-residential traffic fees range from approximately $4.31 per square foot of building space for industrial/business park uses to $6.91 for mixed use office.

Table 5: Transportation Facilities Impact Fee Schedule

Land Use	*A* Cost Per Trip	*B* Trip Demand Factor	*C = A x B* Fee[1]	*D = C / 1,000* Fee per Sq. Ft.
Residential - per Dwelling Unit				
Clustered Rural (RR)	$ 4,265	1.01	$ 4,308	
Lower Density (LDR)	4,265	0.85	3,625	
Medium Density (MDR)	4,265	0.75	3,199	
Higher Density (HDR and MU)	4,265	0.64	2,730	
Nonresidential - per 1,000 Sq. Ft				
Commercial (CC, MU)	$ 4,265	1.06	$ 4,521	$ 4.52
Regional Commercial (CC)	4,265	1.33	5,672	5.67
Office (MU)	4,265	1.62	6,909	6.91
Industrial/Business Park (I/BP)	4,265	1.01	4,308	4.31

Growth Projections as the Basis for the Fee

The planning horizon for the facilities identified include land use assumptions made as part of the 2005-2025 General Plan. New development to occur between the commencement of the proposed fee and the build out year of 2025 represents the population to be served by the facilities identified in this Study. The fees are calculated to account for the project costs associated with projected new development by land use category.

Development Assumptions. Approximately 9,422 new dwelling units could be accommodated within the City's Planning Area, based on General Plan land use classifications. In addition, nearly 5,401 new jobs generated by non-residential building house retail and commercial services, industrial and office development, and other non-residential land uses.

Land Use Types

The land use categories subject to the fee are consistent with the General Plan and the City's utility master plans. Land uses are shown in Table 2 of the Willdan Report of July 16, 2020 below.

Table 2: Land Use Scenario and Total Trips

Land Use Factor	Trip Demand	2019 Units / Employees	2019 Trip Demand	2025 Units / Employees	2025 Trip Demand	Growth 2019 to 2025 Units / Employees	Growth 2019 to 2025 Trip Demand
Residential [1]	0.85	6,506	5,530	15,162	12,888	8,656	7,358
Single Family							
Multifamily	0.64	836	535	1,602	1,025	766	490
Subtotal		7,342	6,065	16,764	13,913	9,422	7,848
Nonresidential [2]							
Commercial	0.55	2,795	1,537	5,880	3,234	3,085	1,697
Industrial	0.44	789	347	3,105	1,366	2,316	1,019
Subtotal		3,584	1,884	8,985	4,600	5,401	2,716
Total Trip Demand			7,949		18,513		10,564

[1] Current dwelling unit estimate from California Department of Finance (DOF). Projection of total housing units from the City's General Plan.

[2] Current employment estimate from U.S. Census Bureau, On The Map Application. Projection of total employment based on converting an increase of 1.3 million square feet of commercial space, and 2 million square feet of industrial space identified in the City's General Plan into an equivalent number of employees. Assumes 2.34 employees per 1,000 squares feet of commercial space, and 1.16 employee per 1,000 square feet of industrial space, derived from ITE Trip Generation Manual data.

Sources: California Department of Finance, Table E-5, 2019; U.S. Census Bureau, OnTheMap Application, sus.gov; City of Riverbank General Plan 2005 - 2025; ITE Trip Generation Manual,

SDF TRAFFIC FEE Comparison 2018 to 2020

Staff has prepared a table presented below which illustrates a comparison of the adopted 2018 SDF Traffic fees with the proposed SDF Traffic fees of 2020.

Land Use Category	Adopted 2018 Traffic Fees	Proposed 2020 Traffic Fees	Unit	Percentage Increase or (Decrease)
Residential				
Clustered Rural (RR)	$3,675.00	$4,308.00	per DU	17.22%
Low Density (LDR)	$3,087.00	$3,625.00	per DU	17.43%
Medium Density (MDR)	$2,720.00	$3,199.00	per DU	17.61%
High Density (HDR)	$2,310.00	$2,730.00	per DU	18.18%
Mixed Use Residential (MU)	$3,675.00	$2,730.00	per DU	-25.71%
Non-Residential				
Community Commercial (CC)	$5.76	$5.67	per Sq. FT.	-1.56%
Mixed Commercial (MU)	$5.99	$4.52	per Sq. FT.	-24.54%
Industrial/Business Park (I/BP)	$5.96	$4.31	per Sq. FT.	-27.68%
Office (MU)	$3.63	$6.91	per Sq. FT.	90.36%

Perhaps the biggest change in fees is associated with Commercial development. The modeling factors used in the 2020 study proposes to shift the trip demand calculations to reflect lifestyle changes. Under the Willdan study, the traffic trip purpose is considered and as a result shifts the trip demand away from “pass by” trips normally assigned to commercial development. Therefore, a greater trip demand is placed on residential and office uses. The other significant change suggested is with the mixed use residential. Willdan has suggested that mixed use residential is more closely associated with high density residential development rather than rural residential suggested by the original AECOM report of 2015.

The original transportation budget of $43,409,046 presented in 2015 has been increased to $46,805,690 to reflect identified transportation projects that were not previously identified in the 2015 study. The City also identified $10,758,968 in projects listed in the 2015 study that will be funded by other means.

ENVIRONMENTAL DETERMINATION

The revised System Development Fees are exempt from environmental analysis under the California Environmental Quality Act (CEQA) as the adoption of the SDF Study, and revised System Development Fees area not a project subject to CEQA, or are exempt, because neither the SDF Study nor the revised System Development Fees has the potential to result in a physical change in the environment. (14 Cal. Code Reg. Section 15378, 15061 (b) (3).) Moreover, the facilities to be constructed through the fees collected have been analyzed in the City’s 2025 General Plan EIR, and specific impacts will be evaluated at the project level for each capital facility.

FINANCIAL IMPACT

Resolution No. 2020 - XXXX will only ensure that new growth pays its fair share towards the Capital Infrastructure needs of the City to accommodate growth projected as part of the 2005-2025 General Plan.

STRATEGIC GOALS

This proposed update to the SDF Traffic Fees is consistent with the City of Riverbank Strategic Planning Goals and helps maintain financial stability and sustainability. Imposing Traffic Mitigation Fees which truly reflect new developments obligations towards capital improvements serves to maintain and improve the City’s Infrastructure and Service delivery systems.

ATTACHMENTS

1. City of Riverbank Traffic Impact Mitigation Fee Program Update, July 16, 2020 prepared by Willdan Financial Services
2. Proposed City Council Resolution No. 2020-xxx

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFONIA, APPROVING THE FINDINGS OF THE TRAFFIC IMPACT MITIGATION FEE PROGRAM UPDATE, JULY 16, 2020 AND ADOPTING THE CITY OF RIVERBANK GROWTH RELATED TRAFFIC IMPACT MITIGATION FOR THE GENERAL PLAN TIME FRAME OF 2005-2025, ESTABLISHING UPDATED SYSTEM DEVELOPMENT FEES RELATED TO TRAFFIC TO BE EFFECTIVE NOVEMBER 7, 2020

WHEREAS, the City Council of the City of Riverbank adopted Resolution 97-110 on November 10, 1997 adopting the original System Development Charges in the City of Riverbank; and

WHEREAS, the 1997 System Development Fee Study and Fees were modified by Resolution Numbers 98-134, 99-32, 01-30, 02-37, 03-48, 04-52, 05-91, 08-084, 09-055; and

WHEREAS, the City Council adopted a complete overhaul of the System Development Fees on March 24, 2015 by Resolutions 2015-021; and

WHEREAS, the City Council authorized a 3.5% inflationary adjustment increase to the System Development Fees by adopting Resolution Number 2018-017; and

WHEREAS, Title 15, Section 150.33, Establishment of Fees, authorizes the City Council by Resolution to establish the amount of System Development Fees to be charged to new construction; and,

WHEREAS, the public notice to conduct a City Council Public Hearing on September 8, 2020, was advertised and published in the Riverbank News on September 19, 2020 and on September 26, 2020, and posted at City Hall North, City Hall South, and at the Riverbank Community Center on August 12, 2020; and,

WHEREAS, the Riverbank Growth related Traffic Impact Mitigation Fee Program Update report was made available for public review 10 days prior (at least by August 30, 2020) to the public hearing on the City's website; and

WHEREAS, the State of California, through the enactment of Government Code Sections 66001 through 66009 has, among other things, determined the nexus that must be established in the enactment of development impact fees; and

WHEREAS, the imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development in order to promote and protect the public health, safety and welfare; and

WHEREAS, new development creates the need for public facilities that are required to ensure that level of services are maintained in accordance with the City of Riverbank's General Plan; and

WHEREAS, the continuing growth of the City of Riverbank necessitates the imposition and collection of impact fees to finance public facilities for purposes which are directly related to the impact they create. The impact fees are roughly proportional to the fee collected with regards to the demands and needs of future residents and businesses; and

WHEREAS, the impact fees established by the Traffic Impact Mitigation Fee Program Update are based upon the costs that are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the city; and

WHEREAS, the Traffic Impact Mitigation Fee Program Update recognizes that all new development within the City will result in additional growth and that such growth will place additional burdens on various City facilities, infrastructure and services; and

WHEREAS, the Traffic Impact Mitigation Fee Program Update recognizes the types of land development that will generate impacts necessitating the acquisition of land and construction of public facilities and the expansion of services and infrastructure required to meet and future development; and

WHEREAS, all new development within the City should bear a proportionate financial burden in the construction and improvement of public facilities and services necessary to serve them; and

WHEREAS, the System Development Fees established by the Traffic Impact Mitigation Fee Program Update do not exceed the reasonable cost of providing the public facilities required to serve future development; and

WHEREAS, System Development Fees established by the Traffic Impact Mitigation Fee Program Update are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City of Riverbank; and

WHEREAS, the fees established by the Traffic Impact Mitigation Fee Program Update relates rationally to the reasonable cost of providing public facilities occasioned by development projects within the City of Riverbank, consistent with the 2005-2025 Riverbank General Plan and the various Elements of the General Plan; and

WHEREAS, the public facilities and anticipated future development herein referenced by the Traffic Impact Mitigation Fee Program Update are based upon an analysis of existing land use designations and zoning classifications; and

WHEREAS, the imposition of fees to finance public facilities and service improvements is necessary in order to protect the public health, safety and welfare; and

WHEREAS, the adoption of the revised System Development Fees provide a mechanism to obtain funds for capital projects necessary to maintain existing service levels within the existing City limits of Riverbank as well as the planned growth within the Sphere of Influence and General Plan boundaries of the City of Riverbank; and

WHEREAS, the revised System Development Fees are exempt from environmental analysis under the California Environmental Quality Act as the adoption of the Traffic Impact Mitigation Fee Program Update, and revised System Development Fees area not a project subject to CEQA, or are exempt, because neither the Traffic Impact Mitigation Fee Program Update nor the revised System Development Fees has the potential to result in a physical change in the environment. (14 Cal. Code Reg. Section 15378, 15061 (b) (3).) Moreover, the facilities to be constructed through the fees collected have been analyzed in the City's 2025 General Plan EIR, and specific impacts will be evaluated at the project level for each capital facility; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Riverbank does hereby declare as follows:

1. The City of Riverbank **Traffic Impact Mitigation Fee Program Update dated July 16, 2020** is adopted as set forth in **Exhibit "A"** attached hereto and incorporated herein.

2. This Resolution shall go into effect no sooner than 60 days (on November 7, 2020) following the final action on the adoption of the Traffic Impact Mitigation Fee Program Update dated July 16, 2020.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the ___ day of ______, 2020; motioned by Councilmember ___, seconded by Councilmember ___, and upon roll call was carried by the following City Council vote of __:

AYES:
NAYS:
ABSENT:
ABSTAINED:

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

Attachment: "Exhibit A" – Traffic Impact Mitigation Fee Program Update dated July 16, 2020,

EXHIBIT A

Traffic Impact Mitigation Fee Program Update dated July 16, 2020

City of Riverbank

Traffic Impact Mitigation Fee Program Update

Final

July 16, 2020

Oakland Office
1939 Harrison Street
Suite 430
Oakland, CA 94612
Tel: (510) 832-0899
Fax: (510) 832-0898

Corporate Office
27368 Via Industria
Suite 110
Temecula, CA 92590
Tel: (800) 755-MUNI (6864)
Fax: (909) 587-3510

Other Regional Offices
Lancaster, CA
Memphis, TN
Orlando, FL
Phoenix, AZ
Sacramento, CA
Seattle, WA

www.willdan.com

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Table of Contents

Executive Summary

This report summarizes an analysis of the need for transportation facilities to support future development within the City of Riverbank as growth occurs. It is the City's intent that the costs representing future development's share of these facilities and improvements be imposed on that development in the form of a development impact fee, also known as a public facilities fee.

Background and Study Objectives

The primary policy objective of this traffic impact mitigation fee program is to ensure that new development pays the capital costs associated with growth. The primary purpose of this report is to calculate and present fees that will enable the City to expand its inventory of transportation facilities – and therefore maintain its facilities standards – as new development leads to service population increases.

The City imposes traffic impact mitigation fees Citywide under authority granted by the *Mitigation Fee Act* (the *Act*), contained in *California Government Code Sections 66000 et seq*. This report provides the necessary findings required by the Act for adoption of the fees presented in the fee schedule contained herein.

Use of Fee Revenues

Impact fee revenue must be spent on new facilities or the expansion of current facilities to serve new development. Fee revenues are programmed through the City's 20-year Capital Improvement Plan (CIP), from which projects are prioritized, with a subset of approved and funded projects in a more specific five-year CIP. The City also has master facilities planning documents as required by law and publishes an auditor's report.

Methodology Used in This Study

The impact fees calculated in this study are based on maintaining a specified facility standard on roadways. All projects included in this study met the City's roadway level of service standards at the time they were added to the City's impact fee program. The costs of facilities associated with growth required to maintain that standard are allocated to new development using the planned facilities approach. The planned facilities approach allocates costs based on the ratio of planned facility costs to demand from new development.

Fee Schedule

Table E.1 summarizes the schedule of maximum justified traffic impact mitigation fees based on the analysis contained in this report.

Table E.1: Transportation Facilities Impact Fee Schedule

Land Use	Cost Per Trip	Trip Demand Factor	Fee[1]	Fee per Sq. Ft.
	A	*B*	*C = A x B*	*D = C / 1,000*
Residential - per Dwelling Unit				
Clustered Rural (RR)	$ 4,265	1.01	$ 4,308	
Lower Density (LDR)	4,265	0.85	3,625	
Medium Density (MDR)	4,265	0.75	3,199	
Higher Density (HDR and MU)	4,265	0.64	2,730	
Nonresidential - per 1,000 Sq. Ft				
Commercial (CC, MU)	$ 4,265	1.06	$ 4,521	$ 4.52
Regional Commercial (CC)	4,265	1.33	5,672	5.67
Office (MU)	4,265	1.62	6,909	6.91
Industrial/Business Park (I/BP)	4,265	1.01	4,308	4.31

[1] Fee per dwelling unit or per 1,000 square feet of nonresidential.

Sources: Tables 1 and 4.

1. Introduction

This report presents an analysis of the need for transportation facilities to accommodate new development in the City of Riverbank. This chapter provides background for the study and explains the study approach under the following sections:

- Study Objectives;
- Riverbank's Transportation Impact Mitigation Fee Program;
- Study Methodology;
- Fee Program Maintenance; and
- Organization of the Report.

Study Objectives

The primary policy objective of a traffic facilities fee program is to ensure that new development pays the capital costs associated with growth. The primary purpose of this report is to calculate and present fees that will enable the City to expand its inventory of transportation facilities – and therefore maintain its facilities standards – as new development leads to increases in service demands.

The City imposes impact fees under authority granted by the *Mitigation Fee Act (*the *Act)*, contained in *California Government Code* Sections 66000 *et seq*. This report provides the necessary findings required by the *Act* for adoption of the fees presented in the fee schedules contained herein.

The City of Riverbank is forecast to experience substantial growth through the General Plan planning horizon. This growth will create an increase in demand for public services and the City facilities required to deliver them. Given the revenue challenges that are common to most cities and counties in California; the City has decided to use a development impact fee program to ensure that new development funds the share of facility costs associated with growth. This report makes use of the most current available growth forecasts, facility plans, and engineering studies to ensure that the City's traffic impact mitigation fee program is representative of the transportation facility needs resulting from new development.

Riverbank Traffic Mitigation Impact Fee Program

The City last updated its traffic impact mitigation fee program in 2013. The study conducted at that time made use of improvements identified in the Riverbank General Plan Environmental Impact Report (GP EIR) and the Downtown Riverbank Specific Plan EIR as the basis for an improvement list needed to mitigate the demand for traffic facilities caused by new development.

This update largely uses the same project list from the 2013 study. Projects which have been completed since that time have been removed from the project list. The remaining projects have been updated to reflect the latest project costs in 2020. Additional projects identified in the Crossroads West Specific Plan EIR as necessary to accommodate new development have also been included in this analysis.

Study Methodology

Traffic impact fees are calculated to fund the cost of transportation facilities required to accommodate growth. The five steps followed in a public facilities fee study include:

1. **Estimate existing development and future growth:** Identify a base year for existing development and a growth forecast that reflects increased demand for transportation facilities;
2. **Identify facility standards:** Determine the facility standards used to plan for new and expanded facilities;
3. **Determine facilities required to serve new development and their costs:** Estimate the total amount and cost of planned facilities, and identify the share required to accommodate new development;
4. **Identify alternative funding requirements:** Determine if any non-fee funding is required and/or available to complete projects; and,
5. **Calculate fee schedule:** Allocate facilities costs per unit of new development to calculate the public facilities fee schedule.

The key public policy issue in development impact fee studies is the identification of facility standards (step #2, above). Facility standards document a reasonable relationship between new development and the need for new facilities. Standards ensure that new development does not fund deficiencies associated with existing development.

Types of Facility Standards

There are three separate components of facility standards: *demand standards, design standards* and *cost standards*. *Demand standards* determine the amount of facilities required to accommodate growth. In this case, the impact fee seeks to maintain a specific level of service on its roadways. *Design standards* determine how a facility should be designed to meet expected demand, and directly related to the costs of planned facilities. The projects included in the traffic impact mitigation fee have all been designed to meet state and City engineering standards. Finally, *cost standards* are a method for determining the amount of facilities required to accommodate growth based on facility costs per unit of demand.

The traffic impact mitigation fee analysis contained in this report converts project costs to serve growth (identified by *demand* and *design standards*), into a *cost standard* (cost per trip from new development), which is then used as the basis of the fee. A fee for a particular land use is equal to the cost per trip, multiplied by the trip generation rate (trip demand factor) for that land use.

New Development Facility Needs and Costs

A number of approaches are used to identify facility needs and costs to serve new development. Often there is a two-step process: (1) identify total facility needs, and (2) allocate to new development its fair share of those needs.

There are three common methods for determining new development's fair share of planned facilities costs: the **existing inventory method**, the **system plan method**, and the **planned facilities method**. Often the method selected depends on the degree to which the community has engaged in comprehensive facility master planning to identify facility needs.

The **existing inventory method** allocates costs based on the ratio of existing facilities to demand from existing development. Under this method new development funds the expansion of facilities at the same standard currently serving existing development. This method is not used in this study.

The **system plan method** calculates the fee based on the value of existing facilities plus the cost of planned facilities, divided by demand from existing plus new development. This method is useful when planned facilities need to be analyzed as part of a system that benefits both existing and new development. This method is not used in this study.

The **planned facilities method** allocates costs based on the ratio of planned facility costs to demand from new development as follows:

$$\frac{\text{Cost of Planned Facilities}}{\text{New Development Demand}} = \text{\$/unit of demand}$$

This method is appropriate when specific planned facilities can be identified that only benefit new development. Examples include street improvements to avoid deficient levels of service or a sewer trunk line extension to a previously undeveloped area. This method is also appropriate when to use in this analysis because the specific planned facilities that benefit new development have been identified through traffic level of service analysis. Under this method new development funds the expansion of facilities needed to ensure that traffic operates at an acceptable level of service. **This method is used to calculate the traffic impact fees in this report**.

Fee Program Maintenance

Once a fee program has been adopted it must be properly maintained to ensure that the revenue collected adequately funds the facilities needed by new development. Impact fee levels must be adjusted frequently to account for inflation. Should the cost of facilities rise more quickly than the fee amounts collected, the facilities needed to serve new development will be underfunded. To avoid collecting inadequate revenue, costs for planned facilities must be updated periodically for inflation, and the fees recalculated to reflect the higher costs. The use of established construction cost indices, such as those published by the Engineering News Record, are necessary to accurately adjust the impact fees for inflation. For a list of recommended indices, and step-by-step instructions for adjusting fees for inflation, see Chapter 3.

While fee updates using inflation indices are appropriate for periodic updates to ensure that fee revenues keep up with increases in the costs of traffic facilities, it is recommended to conduct more extensive updates of the fee documentation and calculation (such as this study) when significant new data on growth forecasts and/or facility plans become available. For further detail on fee program implementation, see Chapter 3.

Organization of the report

This report is organized as follows:

- Chapter 1, Introduction (this chapter): Summarizes facilities financing in California, the history of the traffic impact mitigation fee in Riverbank, and the general approach;
- Chapter 2, Traffic Impact Mitigation Fee Analysis: Describes the technical analysis used to calculate the traffic impact mitigation fee and presents a fee schedule.
- Chapter 3, Implementation: Provides guidelines for the implementation and ongoing maintenance of the public facilities fee program.
- Chapter 4, *Mitigation Fee Act* Findings: summarizes the five statutory findings required for adoption of the proposed fees in accordance with the *Mitigation Fee Act* (codified in *California Government Code* Sections 66000 through 66025).

2. Traffic Impact Mitigation Fee Analysis

This chapter summarizes an analysis of the need for traffic facilities, including roadway and intersection improvements, to accommodate increased trip demand from new development. The chapter documents a reasonable relationship between new development and an impact fee for funding of these facilities.

Trip Demand

The need for traffic improvements is based on the trip demand placed on the system by development. A reasonable measure of demand is the number of PM peak hour vehicle trips, adjusted for the type of trip. Vehicle trip generation rates are a reasonable measure of demand on the City's system of street improvements across all modes because alternate modes (transit, bicycle, pedestrian) often substitute for vehicle trips.

The two types of trip adjustments made to trip generation rates to calculate trip demand are described below:

- Pass-by trips are deducted from the trip generation rate. Pass-by trips are intermediates stops between an origin and a final destination that require no diversion from the route, such as stopping to get gas on the way to work.
- The trip generation rate is adjusted by the average length of trips for a specific land use category compared to the average length of all trips on the street system.

These adjustments allow for a holistic quantification of trip demand that takes trip purpose and length into account for fee calculation purposes.

Table 1 shows the calculation of trip demand factors by land use category based on the adjustments described above. PM peak hour trip rates and trip length assumptions are consistent with the rates used in the City's 2013 *Traffic Impact Mitigation Fee Program Update*. The trip rates were developed by KD Anderson & Associates Transportation Engineers specifically for the City of Riverbank to reflect local trip generation characteristics, by land use.

The trip purpose assumptions in Table 1 are based on extensive and detailed trip surveys conducted in the San Diego region by the San Diego Association of Governments (SANDAG). The SANDAG is used to supplement the City's PM peak hour trip rates and trip length assumptions, because the SANDAG surveys provide one of the most comprehensive databases available of pass-by trips factors for a wide range of land uses. It should be noted that the projections of current and future trip demand generation in this report are based on data specific to the City.

Table 1: Trip Rate Adjustment Factors

	Primary Trips[1]	Diverted Trips[1]	Total Excluding Pass-by[1]	Average Trip Length[2]	Adjust-ment Factor[3]	PM Peak Hour Trips[4]	Trip Demand Factor[5]
	A	*B*	*C = A + B*	D	*E = C x D*	*F*	*G = E x F*
Residential - per Dwelling Unit							
Clustered Rural (RR)	86%	11%	97%	5.0	1.01	1.00	1.01
Lower Density (LDR)	86%	11%	97%	5.0	1.01	0.84	0.85
Medium Density (MDR)	86%	11%	97%	5.0	1.01	0.74	0.75
Higher Density (HDR and MU)	86%	11%	97%	5.0	1.01	0.63	0.64
Nonresidential - per Employee							
Commercial	47%	31%	78%	1.8	0.29	1.89	0.55
Industrial	79%	19%	98%	5.1	1.04	0.42	0.44
Nonresidential - per 1,000 Sq. Ft							
Commercial (CC, MU)	47%	31%	78%	1.8	0.29	3.64	1.06
Regional Commercial (CC)	47%	31%	78%	3.0	0.49	2.72	1.33
Office (MU)	77%	19%	96%	5.1	1.02	1.59	1.62
Industrial/Business Park (I/BP)	79%	19%	98%	5.1	1.04	0.97	1.01

[1] Percent of total trips. Primary trips are trips with no midway stops, or "links". Diverted trips are linked trips whose distance adds at least one mile to the primary trip. Pass-by trips are links that do not add more than one mile to the total trip.
[2] In miles. Based on data from Riverbank's Traffic Impact Mitigation Fee Program Update, 2013.
[3] The trip adjustment factor equals the percent of non-pass-by trips multiplied by the average trip length and divided by the systemwide average trip length of 4.8 miles.
[4] Trips per dwelling unit or per 1,000 building square feet. From Traffic Impact Mitigation Fee Program Update.
[5] The trip demand factor is the product of the trip adjustment factor and the trip rate.

Sources: San Diego Association of Governments, Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002, City of Riverbank, Traffic Impact Mitigation Fee Program Update, 2013; Willdan Financial Services.

Growth in Trip Demand

Table 2 estimates trip demand in 2019 and 2025. The trip demand factors from Table 1 are multiplied by estimates of existing and future development to determine existing and future demand for traffic facilities. Base year dwelling units are identified by the California Department of Finance. Growth in dwelling units was identified in City's General Plan. Base year employees were identified using the US Census' Bureau's OnTheMap application. The projection of total employment in 2025 based on converting an increase of 1.3 million square feet of commercial space, and 2 million square feet of industrial space identified in the City's General Plan into an equivalent number of employees. This conversion assumes 2.34 employees per 1,000 square feet of commercial space, and 1.16 employee per 1,000 square feet of industrial space, derived from the most recent Institute of Traffic Engineers (ITE) Trip Generation Manual data.

Note that while the General Plan projects growth to the year 2025, the exact year that the City achieves the projections does not matter for the purposes of this impact fee analysis. Rather, it is the increment of growth that the facilities are identified to serve that matters. So long as the improvements and the demand from growth increment match then the analysis is reasonable.

Table 2: Land Use Scenario and Total Trips

Land Use	Trip Demand Factor	2019 Units / Employees	2019 Trip Demand	2025 Units / Employees	2025 Trip Demand	Growth 2019 to 2025 Units / Employees	Growth 2019 to 2025 Trip Demand
Residential [1]							
Single Family	0.85	6,506	5,530	15,162	12,888	8,656	7,358
Multifamily	0.64	836	535	1,602	1,025	766	490
Subtotal		7,342	6,065	16,764	13,913	9,422	7,848
Nonresidential [2]							
Commercial	0.55	2,795	1,537	5,880	3,234	3,085	1,697
Industrial	0.44	789	347	3,105	1,366	2,316	1,019
Subtotal		3,584	1,884	8,985	4,600	5,401	2,716
Total Trip Demand			7,949		18,513		10,564

[1] Current dw elling unit estimate from California Department of Finance (DOF). Projection of total housing units from the City's General Plan.

[2] Current employment estimate f rom U.S. Census Bureau, OnTheMap Application. Projection of total employment based on converting an increase of 1.3 million square feet of commercial space, and 2 million square feet of industrial space identif ied in the City's General Plan into an equivalent amount of employees. Assumes 2.34 employees per 1,000 square feet of commercial space, and 1.16 employee per 1,000 square feet of industrial space, derived f rom ITE Trip Generation Manual data.

Sources: California Department of Finance, Table E-5, 2019; U.S. Census Bureau, OnTheMap Application, http://onthemap.ces.census.gov; City of Riverbank General Plan 2005 - 2025; ITE Trip Generation Manual, 10th Edition; Willdan Financial Services.

Cost Allocation to New Development

Table 3 displays the cost estimates and project cost allocation to new development for the projects included in this traffic impact mitigation fee. All projects expand or enhance roadway or intersection capacity to accommodate new development. Projects are allocated to new development if they are operating at an acceptable level of service at the time they entered the fee program, and if new development causes the level of service to drop to an unacceptable level of service. The Riverbank General Plan indicates that LOS "D" is the applicable minimum level of service demand standard.

The first group of projects listed under the “Existing fee program projects” heading is carried over from the City’s existing traffic impact mitigation fee program. Projects that have been completed since the last impact fee study have been removed from this section, and the project cost estimates for the remaining projects have been reviewed and revised by Giuliani & Kull, Inc. Engineers. Except for project No. 1, the projects from the City’s existing fee program are allocated 100% to new development because they operated at an acceptable level of service at the time they were first included in the impact fee program, and demand from new development will cause the level of service to fall to an unacceptable level unless the improvements are completed. While project No. 1 could also be completely allocated to new development, City staff advised that an adjustment to the cost allocation was reasonable.

Six new projects are included in the project list, three of which were completely allocated to new development based on the LOS analysis contained in the Traffic Impact Analysis for the Crossroads West Specific Plan.

Two segments (Oakdale Road from MID Canal to Crawford Road and Claribel to MID Canal) currently operate at an acceptable level of service. However, the project costs included here are for a transition traffic lane, turn lanes, curb, gutter, sidewalk, traffic signal upgrades, ADA accessibility, landscaping, irrigation and storm drainage for the segment, and pole relocation needed to build out the roadway to accommodate new retail development.

Another segment currently operates at an acceptable level of service (Claribel Road - MID Lateral #6 to Oakdale Road), and the level of service is not projected to decrease to an unacceptable level. This is because the County recently installed additional traffic lanes on Claribel Road to mitigate the demand from growth. However, the County did not complete the improvements. The project costs included here are for a transition traffic lane, turn lanes, curb, gutter, sidewalk, traffic signal upgrades, ADA accessibility, landscaping, irrigation and storm drainage for the segment, needed to build out the roadway to the City's typical design standards, and are allocated completely to new development.

The North South Collector from Claribel Road to MID Lateral is a completely new roadway section to link the commercial center to the residential development to the north and is completely allocated to new development.

Table 3 also displays four projects funded by other means. These projects are included for informational purposes only and are not allocated to new development through this impact fee. These projects are fully funded by other funding sources.

The project costs in Table 3 total $59.6 million, of which $46.8 million are allocated to new development through this impact fee.

Table 3: Traffic Projects and Cost Allocation to New Development

No.	Location	Improvement	Total Cost	Allocation To New Development	Cost Allocated to New Development
Existing Fee Program Projects					
1	Callander Avenue (SR 108) / Santa Fe Street	Widen intersection to ultimate configuration and construct traffic signal	$ 3,974,400	50%	$ 1,987,200
2	Patterson Road / Roselle Avenue	Reconstruct intersection to ultimate configuration, construct traffic signal, widen BNSF railroad crossing	1,463,133	100%	1,463,133
3	Patterson Rd-Callander Avenue (SR 108)	Widen SR 108 to 4 lanes from Jackson Street to Waterfall	2,838,660	100%	2,838,660
14	SR 108	Widen to 4 lanes from McHenry Ave to Coffee Road	3,308,205	100%	3,308,205
15	SR 108	Widen to 4 lanes from Coffee Road to Oakdale Road	1,469,125	100%	1,469,125
16	SR 108	Widen to 4 lanes from Estelle Road to Jackson Street	650,000	100%	650,000
17	SR 108	Widen to 4 lanes from Santa Fe Street to 1st Street	1,819,875	100%	1,819,875
18	SR 108	Widen to 4 lanes from Claus Road to Snediger Road	2,041,768	100%	2,041,768
22	Claribel Road	Widen to 4 lanes from Squire Wells Way to Roselle Avenue	2,462,000	100%	2,462,000
27	Roselle Avenue	Build to ultimate configuration from Patterson Road to Claribel Road	1,421,789	100%	1,421,789
28	Claus Road	Widen to 4 lanes from SR 108 to Patterson Road	1,958,968	100%	1,958,968
29	Claus Road	Widen to 4 lanes from Townsend Street to Claribel Road	1,873,408	100%	1,873,408
30	SR 108 / Coffee Road	Construct Traffic Signal	879,175	100%	879,175
31	Retail Access / Claribel Road	Construct Traffic Signal	600,000	100%	600,000
33	Patterson Road / Terminal	Construct Traffic Signal	600,000	100%	600,000
34	Patterson Road / Snediger Road	Construct Traffic Signal	600,000	100%	600,000
36	Claus Road / Kentucky Avenue	Construct Traffic Signal	600,000	100%	600,000
38	Patterson Road & Snediger Road	RR Xing Improvements	600,000	100%	600,000
39	Patterson Road West of Terminal Ave	RR Xing Improvements	600,000	100%	600,000
41	Hetch Hetchy Trailway System	Trail System Improvements	784,760	100%	784,760
43	Oakdale Road	Morrill Road to Claribel Utility Underground	1,873,408	100%	1,873,408
Subtotal			$ 32,418,674		$ 30,431,474
New Projects					
	Coffee Road	Widen to 4 lanes - Claribel Road to Patterson Road	$ 3,938,175	100%	$ 3,938,175
	Oakdale Road	Widen to 4 lanes - MID Canal to Crawford Road[1]	2,609,636	100%	2,609,636
	Oakdale Road	Widen to 4 lanes - Claribel to MID Canal[1]	2,923,386	100%	2,923,386
	North South Collector	Widen to 2 lanes - Claribel Road to MID Lateral #6	2,294,595	100%	2,294,595
	Claribel Road	Widen to 4 lanes - MID Lateral #6 to Oakdale Road[2]	3,392,874	100%	3,392,874
	Claribel Road	Intersection Improvements Claribel Road @ Oakdale Road	1,215,550	100%	1,215,550
	Subtotal		$ 16,374,216		$ 16,374,216
Projects Funded by Other Means					
13	Santa Fe Street Extension	Pedestrian Crossing over BNSF Railroad Tracks	$ 3,000,000	0%	$ -
23	Claribel Road	Widen to 4 lanes from Roselle Avenue to Terminal Avenue	2,300,000	0%	-
24	Claribel Road	Widen to 4 lanes from Terminal Avenue to Claus Road	1,958,968	0%	-
40	Claribel Road	Roselle Avenue to Terminal Road Bridge Widenings	3,500,000	0%	-
	Subtotal		$ 10,758,968		$ -
Total			$ 59,551,858		$ 46,805,690

[1] These segments currently operate at an acceptable level of service however, the project costs included here are for a transition traffic lane, turn lanes, curb, gutter, sidewalk, traffic signal upgrades, ADA accessibility, landscaping, irrigation and storm drainage for the segment, and pole relocation needed to build out the roadway to accommodate new retail development.

[2] This segment currently operates at an acceptable level of service because the County recently installed additional traffic lanes on Claribel Road to mitigate the demand from growth. The County did not complete the improvements. The project costs included here are for a transition traffic lane, turn lanes, curb, gutter, sidewalk, traffic signal upgrades, ADA accessibility, landscaping, irrigation and storm drainage for the segment, needed to build out the roadway to the City's typical design standards.

Sources: Final Fee Study, 2015, City of Riverbank; Traffic Impact Analysis For Crossroads West Specific Plan EIR, 2017; Table 2, Willdan Financial Services.

Cost per Trip

Every impact fee consists of the cost of projects that can be funded by a fee, divided by a measure of demand. In this case, all fees are first calculated as a cost per trip demand unit. Then these amounts are translated into housing unit (fee per dwelling unit) and nonresidential building space (fee per 1,000 building square feet) by multiplying the cost per trip by the trip demand factor for each land use category. These amounts become the fee schedule.

Table 4 calculates the cost per trip demand unit by dividing the total project costs attributable to new development summarized in **Table 3**, by the total growth in trips calculated in **Table 2**. Note that the existing traffic impact mitigation fee fund balance is netted out of the total cost of improvements prior to calculating the cost per trip.

Table 4: Cost per Trip to Accommodate Growth

Costs Allocated to New Development	$ 46,805,690
Less Existing Fund Balance	1,746,977
Net Costs Allocated to New Development	$ 45,058,713
Growth in Daily Trips	10,564
Cost per Trip	$ 4,265

Sources: Tables 2 and 3.

Maximum Justified Impact Fee Schedule

Table 5 presents the maximum justified traffic impact mitigation fee schedule. The cost per trip is multiplied by the trip demand factor for each land use to determine the fee per dwelling unit or per 1,000 square feet of nonresidential building space.

Table 5: Transportation Facilities Impact Fee Schedule

Land Use	Cost Per Trip (A)	Trip Demand Factor (B)	Fee[1] (C = A x B)	Fee per Sq. Ft. (D = C / 1,000)
Residential - per Dwelling Unit				
Clustered Rural (RR)	$ 4,265	1.01	$ 4,308	
Lower Density (LDR)	4,265	0.85	3,625	
Medium Density (MDR)	4,265	0.75	3,199	
Higher Density (HDR and MU)	4,265	0.64	2,730	
Nonresidential - per 1,000 Sq. Ft				
Commercial (CC, MU)	$ 4,265	1.06	$ 4,521	$ 4.52
Regional Commercial (CC)	4,265	1.33	5,672	5.67
Office (MU)	4,265	1.62	6,909	6.91
Industrial/Business Park (I/BP)	4,265	1.01	4,308	4.31

[1] Fee per dwelling unit or per 1,000 square feet of nonresidential.

Sources: Tables 1 and 4.

3. Implementation

Impact Fee Program Adoption Process

Impact fee program adoption procedures are found in the *California Government Code* section 66016. Adoption of an impact fee program requires the Board of Supervisors to follow certain procedures including holding a public meeting. Data, such as an impact fee report, must be made available at least 10 days prior to the public meeting. The City's legal counsel should be consulted for any other procedural requirements as well as advice regarding adoption of an enabling ordinance and/or a resolution. After adoption there is a mandatory 60-day waiting period before the fees go into effect.

Inflation Adjustment

The City should keep its impact fee program up to date by periodically adjusting the fees for inflation. Such adjustments should be completed regularly to ensure that new development will fully fund its share of needed facilities. We recommend that the fees be adjusted for inflation annually.

There are no inflation indices that are specific to the City of Riverbank. We recommend that the Engineering News Record's Construction Cost Index be used for adjusting fees for inflation.

While fee updates using inflation indices are appropriate for annual updates to ensure that fee revenues keep up with increases in the costs of infrastructure, the City will also need to conduct more extensive updates of the fee documentation and calculation (such as this study) when significant new data on growth forecasts and/or facility plans become available. Note that decreases in index value will result in decreases to fee amounts.

The steps necessary to update fees for inflation are explained below:

To update the traffic impact mitigation fee for inflation, the steps are as follows:

1. Identify the percent change in planned facilities cost since last update based on changes in the Engineering News Record's Construction Cost Index (CCI).
2. Modify the cost each planned facility (the cost allocated to the traffic impact mitigation fee in Table 3) by the percent change identified in Step 1.
3. Divide the total cost of projects allocated to the fee calculated in Step 2, by the growth in trips identified in Table 2 to determine the updated cost per trip.
4. Multiply the cost per trip calculated in Step 3 by the trip demand factors identified in Table 1 to determine the fee for each land use.

Reporting Requirements

The City complies with the annual and five-year reporting requirements of the *Mitigation Fee Act* found in Government Code Sections 66001 and 66006. For facilities to be funded by a combination of public fees and other revenues, identification of the source and amount of these non-fee revenues is essential. Identification of the timing of receipt of other revenues to fund the facilities is also important.

Programming Revenues and Projects with the CIP

The City maintains a five-year Capital Improvements Program (CIP) to plan for future infrastructure needs. The CIP identifies costs and phasing for specific capital projects. The use of the CIP in this manner documents a reasonable relationship between new development and the use of those revenues.

The City may decide to alter the scope of the planned projects or to substitute new projects if those new projects continue to represent an expansion of the City's facilities needed to mitigate demand from new development. If the total cost of facilities varies from the total cost used as a basis for the fees, the City should consider revising the fees accordingly.

4. Mitigation Fee Act Findings

Public facilities impact fees are one-time fees typically paid when a building permit is issued and imposed on development projects by local agencies responsible for regulating land use (cities and counties). To guide the widespread imposition of public facilities fees the State Legislature adopted the *Mitigation Fee Act* (the *Act*) with Assembly Bill 1600 in 1987 and subsequent amendments. The *Act,* contained in *California Government Code* Sections 66000 through 66025*,* establishes requirements on local agencies for the imposition and administration of fee programs. The *Act* requires local agencies to document five findings when adopting a fee.

The five statutory findings required for adoption of the maximum justified traffic impact mitigation fees documented in this report are presented in this chapter and supported in detail by the report that follows. All statutory references are to the *Act.*

Purpose of Fee

- *Identify the purpose of the fee (§66001(a)(1) of the Act).*

Development impact fees are designed to ensure that new development will not burden the existing service population with the cost of facilities required to accommodate growth. The City's General Plan Policy LAND 5.1 states, "The City will maintain public services and facilities in the existing developed City and make improvements as necessary to maintain a consistent Citywide level of service." The purpose of the fees documented in this report is to implement this policy by providing a funding source from new development for to fund the traffic facilities necessary to maintain the City's existing level of service as new development adds traffic to the City's roadways.

Use of Fee Revenues

- *Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).*

Fees proposed in this report, if enacted by the City, would be used to fund expanded traffic facilities to serve new development. Facilities funded by these fees are designated to be located within the City.

Benefit Relationship

- *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

We expect that the City will restrict fee revenue to the acquisition of land, construction of facilities, and purchase of related equipment, and services used to serve new development. Facilities funded by the fees are expected to provide a Citywide network of facilities accessible to the additional residents and workers associated with new development. Under *the Act*, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and non-residential use classifications that will pay the fees.

Burden Relationship

- *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

Facilities need is based on a facility standard that represents the demand generated by new development for those facilities. For the traffic impact mitigation fee, demand is measured by a single facility standard that can be applied across land use types to ensure a reasonable relationship to the type of development. In this case, the fee program seeks to maintain a level of service standard of "LOS D" on the City's roadways.

The standards used to identify growth needs are also used to determine if planned facilities will partially serve the existing service population by correcting existing deficiencies. This approach ensures that new development will only be responsible for its fair share of planned facilities, and that the fees will not unfairly burden new development with the cost of facilities associated with serving the existing service population.

Proportionality

- *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the estimated new development growth the project will accommodate. Fees for a specific project are based on the project's size and the corresponding increase in the number of vehicle trips. Larger new development projects result in higher trip generation resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

See the *Trip Demand* section in Chapter 2 for a description of how trip demand factors are determined for different types of land uses. See the *Maximum Justified Fee Schedule* section the same chapter for a presentation of the fees.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	September 8, 2020
Subject:	Designation of a Voting Delegate and Alternate(s) to Attend the Virtual 2020 League of California Cities Annual Conference and Expo
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that City Council designate, by roll call vote, Members of the Council as the Voting Delegate and one or two alternates to attend the 2020 League of California Cities Annual Conference and Expo, to be held virtually on October 7 – 9, and to participate in the Annual Business Meeting for the consideration of resolutions that establish League policy.

SUMMARY

Annually, the League of California Cities requests that the City Council take action in order to participate in the Annual Business Meeting by designating a Voting Delegate, and to appoint one or two alternates. Participation in the meeting ensures that Riverbank Officials have an opportunity to initiate and influence policy decisions by voting on resolutions that establish League policy. Any resolutions for the City Council to consider will be presented at the next regular Council meeting to discuss and determine the City's position to each resolution, and to have the designated Voting Delegate or alternate represent the City's position accordingly.

The current League Executive Committee representatives are Councilmember Campbell as the primary member and Vice Mayor Uribe as the alternate. The designated Voting Delegate and alternate(s) must be registered for the conference. Council's selection of the Voting Delegate and alternate(s) will be reported to the League.

FINANCIAL IMPACT

Conference registration for the virtual conference is $50 per attendee.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	September 8, 2020
Subject:	General Local Public Health COVID-19 Update
From:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

SUMMARY

As Council is aware, the spread of the COVID-19 virus has increased greatly within Stanislaus County over the past 90 days. At the time this staff report was written there were 14,786 confirmed cases within Stanislaus County (an increase of 2,335 cases as of the August 25th COVID staff report update to Council) with approximately 262 deaths (an increase of 64 deaths as of the August 25th COVID staff report update).

In early June, the County had been granted an expanded Stage 2 Variance by the State. This allowed a variety of businesses to reopen with modifications. After the case count continued to increase Governor Newsom quickly ordered re-closure of a number of business sectors in the worst affected Counties (35+). Shortly thereafter on July 13th sector closures in all areas of the State were ordered, those sectors are:

- Dine-in restaurants
- Wineries and tasting rooms
- Movie theaters
- Family entertainment centers (for example: bowling alleys, miniature golf, batting cages and arcades)
- Zoos and museums
- Cardrooms

In late September, the Governor announced limited sector reopenings which had previously been closed. Specifically those include hair salons/barber shops as well as retail inside malls. There is guidance associated with those reopening but it does allow indoor businesses along those lines to reopen. Additionally, based on specific COVID related health metrics, K-6 schools will be allowed to apply for waivers to reopen through their County Public Health Officers.

The City of Riverbank has (with the help of Opportunity Stanislaus) completed its preliminary work for the small business assistance program. The application period began on Friday, September 4th at 8:00 am and will be open until Friday, September 25th at 5:00 pm PST. More information on the program can be found at www.riverbankbusinessrelief.com. Businesses may be eligible to receive grants in amounts that are dependent on employee count to be used towards payroll, operating expenses, and expenses related to the mitigation of COVID.

DIRECTION

At this time no significant direction is needed regarding overall policy. However, the City has received multiple inquiries from the public regarding when playground structures will be reopened. At the time this report was written it did not appear that the state or local health order had been amended. Staff will perform additional research in advance of the meeting to provide Council information for guidance on playground reopening.

FINANCIAL IMPACT

Specifics of overall financial impact of the emergency to the City budget are unknown at this time. However, it is highly likely that the City will see a decline in sales tax revenues over estimated figures. This will be addressed during final budget deliberations by Council.

ATTACHMENTS

None