

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D1) Luis Uribe

Council/Authority Members

District 2 Rachel Hernandez

District 3 Cal Campbell

District 4 Darlene Barber-Martinez



City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Meetings
(via virtual platform only)
Council Chambers is located at
6707 Third St., Suite B
Riverbank, CA 95367

AGENDA

TUESDAY, FEBRUARY 9, 2021– 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

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.

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. AGENDA CHANGES

5. 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.*

6. 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 the last page of this agenda for the Public Comment Procedures via ZOOM.

7. PRESENTATIONS

Item 7.1. Summary of Face Mask Handout Program.

8. 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 8.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

- Item 8.2.** Approval of the January 26, 2021 City Council and Local Redevelopment Authority Minutes.
- Item 8.3.** Acceptance of the Pavement Restoration Project 2020 Completed by Dryco Construction, Inc. and Authorization to File a Notice of Completion.
- Item 8.4.** A **Resolution** to Approve and Adopt the Revised 2021 City of Riverbank Measure L Expenditure Plan Project List.
- Item 8.5.** Recommend Approval of **Resolution** Adopting a List of Projects for Fiscal Year 2021-2022 Funded by SB 1: The Road Repair and Accountability Act of 2017.

9. NEW BUSINESS

- Item 9.1.** **Provide Direction to City Staff Concerning an Amendment to the Development Agreement by and Between the City of Riverbank and Pacafi Cooperative, Inc., a California cooperative corporation doing business as Flavors to Extend the Term and Make Adjustments to the Public Benefits Schedule** – Staff requests direction from the City Council considering an amendment to the development agreement by and between the City of Riverbank and Pacafi Cooperative, Inc., a California cooperative corporation doing business as Flavors (“Development Agreement”) to extend the term of the Development Agreement for a term of three (3) years and make adjustments to the public benefit schedule. City staff will process the necessary Development Agreement amendment with the changes as directed by the City Council.
- Item 9.2.** **Update on the Proposition 68 Grant Project** – It is recommended that the City Council hear an update on the proposition 68 grant project and application.
- Item 9.3.** **Countryside Park Development** – It is recommended that the City Council review the options for the development of Countryside Park and give staff direction.

10. 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/LRA Board during this time.

- Item 10.1.** Staff
- Item 10.2.** Council/Authority Member
- Item 10.3.** Mayor/Chair

11. 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 adjourning to Closed Session.

Item 11.1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: City Manager

Item 11.2. 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

12. ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING

The City Council and the LRA Board will be going into Closed Session.

13. REPORT FROM CLOSED SESSION

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

14. ADJOURNMENT OF THE REGULAR MEETING (Immediately after Closed Session)

(The next regular meeting is on Tuesday, February 23, 2021 at 6:00 p.m.)

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 Thursday, February 4, 2021

/s/ *Annabelle H. Aguilar, CMC, City Clerk 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 VIRTUAL 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 <https://www.youtube.com/channel/UCq2x8QChEcknBq7uuJLcZow>
- 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 must be received by 4:00 p.m. on the day of the meeting; and
- 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/81740837749>
- Join by accessing website: <https://zoom.us/join>
 - o Webinar ID: **817 4083 7749**
- Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

HOW DO I COMMENT? The Mayor will announce when public comment may be made for the agenda item being considered, at which time you will:

- o 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.
- o Using a Phone - press ***9** to "raise the hand".
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.

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

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATIONS

Meeting Date:	February 9, 2021
Subject:	Summary of Face Mask Handout Program
From:	Sean Scully, City Manager
Submitted by:	Gabriela Hernandez, Confidential Assistant

RECOMMENDATION:

It is recommended that the City Council receive a summary, discuss the program, and provide direction to staff as deemed necessary to continue the program at a later date.

SUMMARY:

After the City received allocations by the State and County of Coronavirus Aid and Economic Security (CARES) act funding the City Council directed funding of a number of critically important local programs. One of the most successful programs funded from CARES within Riverbank was the Face Mask program. The Face Mask program was started as an initiative to provide PPE to our Riverbank Community and help stop the spread of COVID-19. The City started the program on July 13, 2020 with sites for face mask handout throughout the community. Initially, care homes and senior housing facilities within Riverbank were contacted to offer face masks for their disabled, ill, and elderly residents. After the initial step the City then provided boxes of masks to many of our businesses around town to promote the use of face masks, upon entering their place of business (this coincided with mask enforcement within commercial establishments). The program was then expanded to more widely provide masks to the community. Community residents were able to receive masks at local non-profits, primarily those that provided food aid to the community (such as Christian Food Sharing and St. Vincent De Paul). The need and request for more dates, quickly was brought to staff's attention. A mask giveaway program was then initiated twice a week, Mondays and Wednesdays from 4:30pm to 5:30pm at City Hall, Council Chambers. It began as disposable face masks for adults. However, the incredible turnout by the community and at the request of residents, several other items were added to the program. The items included, reusable masks for adults and children, disposables masks for adults and children (variety of colors and styles), and safety kits, which included hand sanitizer, gloves, alcohol wipes and masks. For the time the program was running, from July 2020 to January 2021, staff handed out more than 70,000 (approximately 10,000 a month) reusable and disposable masks for adults and children. Each scheduled mask giveaway was well attended by the community and the overall response from the community was excellent. The goal was to eliminate any barrier an individual resident of Riverbank might have to have safe, ready and consistent access to masks for as long as the funding would allow.

FISCAL IMPACT:

Funding has been programmed for this project with CARES Act Funding provided to local governments. The total cost of program \$60,000.

ATTACHMENTS:

1. Flyers

IN NEED OF FACEMASKS?

Masks will be made available at the following locations:

- City of Rivrbank Council Chambers**
6707 Third Street, Suite B
Mondays, 4:30pm -5:30pm
- St. Frances of Rome Church Hall**
2827 Topeka Street
Mondays, 2:00pm-4:00pm
Thursdays, 10:00am-12:00pm
- Riverbank Food Sharing Scout Hall**
3017 High Street
Fridays, 8:00am - 10:00am



 *Caring for our Community*

If you have any questions please contact the Administration Department at: (209) 863-7122



REUSABLE FACE MASK HANDOUT



**MONDAYS & WEDNESDAYS
4:30PM TO 5:30PM
6707 THIRD STREET, SUITE B**

➔ 2 PER PERSON

➔ BRING PROOF OF RIVRBANK RESIDENCY

➔ WHILE SUPPLIES LAST

For more information contact (209) 863-7122



MASK HANDOUT

REUSABLE, DISPOSABLE,
NOW including **KIDS MASKS!**



MONDAYS and WEDNESDAYS
4:30PM – 5:30PM
6707 Third Street, Suite B

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 8.1

SECTION 8: CONSENT CALENDAR

Meeting Date:	February 9, 2021
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. 8.2**

SECTION 8: CONSENT CALENDAR

Meeting Date:	February 9, 2021
Subject:	Approval of the January 26, 2021, City Council and Local Redevelopment Authority Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the January 26, 2021, 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. January 26, 2021, City Council and LRA Minutes

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D1) Luis Uribe

Council/Authority Members

District 2 Rachel Hernandez

District 3 Cal Campbell

District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Meetings
(via Virtual Platform Only)**

City Hall is located at
6707 Third St., Suite B
Riverbank, CA 95367

MINUTES

TUESDAY, JANUARY 26, 2021– 6:00 P.M.

Notice: this meeting was 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.

1. CALL TO ORDER – *Due to technical difficulties, this meeting was opened via the virtual platform at 6:08 p.m. with Mayor/Chair Richard D. O'Brien presiding.*

2. FLAG SALUTE – *Lead by Mayor O'Brien.*

3. ROLL CALL – *All Members of the City Council were present.*

Staff Present: City Manager Sean Scully, Asst. City Manager/ASD Marisela Garcia, City Attorney Tom Hallinan, Police Chief Ed Ridenour, City Clerk Annabelle Aguilar, Administrative Analyst II Norma Torres-Manriquez, Public Works/LRA Director Michael Riddell, and Parks and Recreation Director Sue Fitzpatrick.

4. AGENDA CHANGES – *There were no changes to the agenda.*

5. 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.

6. 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.*

(Public Comment Procedures via ZOOM were provided on the last page of the agenda.)

There were no public comments.

7. PRESENTATIONS

Item 7.1. Riverbank Motor Fleet – Current Issues and Future Policy Considerations.

City Manager Sean Scully and Public Works/LRA Director Michael Riddell made the presentation. City Council and Staff discussed the matter in favor of phasing out the CNG (Compressed Natural Gas) fleet.

8. 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 8.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 8.2. Approval of the January 12, 2021 City Council and Local Redevelopment Authority Minutes.

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe / passed 5-0) to approve Consent Calendar Items 8.1 and 8.2 as presented.*

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

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

NAYS: None / ABSENT: None / ABSTAINED: None

9. NEW BUSINESS

Item 9.1. A Resolution [No. 2021-002] Authorizing the City Manager up to \$35,000 in General Fund Budgetary Authority to Provide Funding for a booster Pump Purchase and Installation at the Riverbank Sports Complex – It is recommended consider the proposed resolution authorizing budgetary authority for general fund revenues to be used for the purchase and installation of a booster pump at the Riverbank Sports Complex.

*City Manager Sean Scully presented the staff report.
City Council and Staff discussed the Item.*

ACTION: *By motion moved and seconded (Uribe / Campbell / passed 5-0) to adopt Resolution No. 2021-002 Authorizing the City Manager up to \$35,000 in General Fund Budgetary Authority to Provide Funding for a Booster Pump Purchase and Installation at the Riverbank Sports Complex as presented. Motion carried by unanimous City Council roll call vote.*

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 9.2. General Local Public Health COVID-19 Update and Discussion of Ongoing City Operations – 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 reporting that there has been a decrease in numbers, and informed Council of the need to begin a general discussion of returning the organization back to normal at some point.

City Council and Staff discussed the availability and administration of vaccinations. Mayor O'Brien indicated he would be meeting with the County [officials] and would present any concerns and recommendations provided to him in regards to availability and administration of the vaccinations, and needing a dedicated vaccination service to the City of Riverbank. Mayor O'Brien recommended potentially returning to full staff in July; it would be left to the City Manager to make that determination; there were no objections.

Public comment was made by County Supervisor Buck Condit in regards to the availability and administration of the vaccinations, the County public/private partnership with Save Mart and Golden Valley Healthcare, and looking into getting a vaccination station in Riverbank.

10. 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/LRA Board during this time.

Item 10.1. Staff

- *City Manager Sean Scully announced: 1) that the next February Council meeting agendas may be heavily loaded due to several matters to consider such as a Park project with a Developer on the East side needing funding, and staff working on the Cambridge Academy and attempting to get the application completed; 2) that the mid-year budget will be presented during the second meeting of February; 3) that since the City's mask program has ceased, a brief summary on the number of masks given out and cost will be provided; 4) that he, along with Councilmember Hernandez and Vice Mayor Uribe are coordinating with the City of Patterson to conduct a Town Hall webinar at each city with experts on the round two Paycheck Protection Program for businesses interested in obtaining federal funding; and 5) that the City purchased a very large tent that is available for businesses to use.*

Item 10.2. Council/Authority Member

- *Council/Authority Member Hernandez reported on preparations of the "Love Riverbank" event and how it can be conducted safely; aiming for the date of April 24th to coincide with the large event in Modesto, and any interested volunteers may contact her.*
- *Council/Authority Member Campbell reported on his attendance of the Cal Cities' Transportation, Communication, and Public Works Committee that covered the topics of the mileage tax and broadband.*
- *Council/Authority Member Barber-Martinez: 1) reported on her attendance of Cal Cities' Safety and Policy Committee and covered the 2021 Work Program adopting: Police Reform, tools and recourses for homelessness, mental health, mental health, domestic violence, drug rehabilitation, human trafficking, workforce development for ex-offenders for reentry, emergency and disaster preparedness and resiliency, and addressing crime rates; 2) recognized January 18th as Martin Luther King, Jr. Holiday with one of his quotes; and 3) encouraged everyone to get involved with the local nonprofits to help others.*
- *Vice Mayor/Chair Uribe announced a Work Safe Stanislaus Program that is offering reimbursement up to \$10,000 or more to businesses and nonprofits for purchases of personal protective equipment; qualifications must be met. Interested parties may go to www.stanworkforce.com.*

Item 10.3. Mayor/Chair

Mayor/Chair O'Brien: 1) announced that Covered California would be closing out on January 31st; 2) spoke in regards the Richard Jensen letter on SB 1383 and the actions Council needs to take such as the conversion of waste into energy; 2) recommended utilizing the City's electronic signs for Public Service Announcements as members of other agency committees; and 3) thanked County Supervisor Buck Condit for his attendance to the Council meeting.

11. 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 adjourning to Closed Session.

Item 11.1. **LIABILITY CLAIMS**

Pursuant to Government Code § 54956.95

Claimant: Randy Robertson

Agency claimed against: City of Riverbank

Item 11.2. **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6

Agency representative: City Manager Sean Scully

Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit
Riverbank Executive Management

Item 11.3. **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

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

12. ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING

There being no further open public business, Mayor/Chair O'Brien announced that the City Council and LRA Board would be going into closed session and that the reports from Closed Session would be made to the City Clerk, and would be reflected in the Minutes of the meetings. Anyone interested in obtaining the reports from Closed Session could contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198. The open public portion of the meeting was adjourned at 7:47 p.m.; City Council and the LRA Board went into Closed Session.

13. REPORT FROM CLOSED SESSION

Mayor O'Brien reported that Council unanimously voted 5-0 to accept the liability claim of Item II.1.

Mayor O'Brien reported that direction was provided to staff on Item II.2.

Mayor/Chair O'Brien reported that direction was provided to staff on Item II.3.

14. ADJOURNMENT OF THE REGULAR MEETING (Immediately after Closed Session)

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:44 p.m.

ATTEST: *(Adopted 02/09/2021)*

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.3

SECTION 8: CONSENT CALENDAR

Meeting Date: February 9, 2021

Subject: Acceptance of the Pavement Restoration Project 2020 Completed by Dryco Construction, Inc. and Authorization to File a Notice of Completion

From: Sean Scully, City Manager

Submitted by: Kathleen Cleek, Development Services Administration Manager
Laura Graybill, Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Pavement Restoration Project 2020 and authorize staff to file a Notice of Completion.

SUMMARY:

Dryco Construction, Inc. has completed the construction of the Pavement Restoration Project 2020. William Kull, City Engineer and City Staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on September 22, 2020 to Dryco Construction, Inc. in the amount of \$533,454.54. Two contract change orders were issued for this project in the amount of (\$2,389.47) for a project total of \$531,065.07.

This project was funded by three separate funds, Measure L, SB-1 and Developer Mark Wilbur (Diamond Bar West):

Measure L - Type II Slurry Seal bid total:	\$233,782.40
Change Order Total:	<u>(\$ 562.79)</u>
Total Amount for Measure L:	\$233,219.61
 SB1 Funds - Cape Seal bid total:	 \$237,026.40
Change Order:	<u>\$ 1,639.25</u>
Total Amount for SB1:	\$ 238,665.65
 Diamond Bar West Subdivision - Type II Slurry Seal bid total:	 \$ 62,645.74
Change Order:	<u>(\$3,465.93)</u>
Total Amount for Diamond Bar Subdivision:	\$ 59,179.81

It is recommended that the Council accept the Pavement Restoration Project 2020 as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

The total cost of construction is \$531,065.07. The total project was completed within budget which was programmed in the Measure L Funds, SB-1 Road Maintenance and Rehabilitation Funds and re-imbursement from Developer Mark Wilbur (Diamond Bar West).

Three funding sources have been programmed for this project as follows:

- Measure L Funds - \$233,219.61
- SB-1 Road Maintenance and Rehabilitation Funds - \$238,665.65
- Developer Mark Wilbur (Diamond Bar West) - \$59,179.81

ATTACHMENTS:

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

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATE

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

SPACE ABOVE THIS LINE
FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

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

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

7. A work of improvement on the property described below was completed on February 9, 2021
(Date of Completion)

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

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



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

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

☐ The kind of work done or finished was Type II Slurry Seal, Cape Seal, striping removal,
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
installation of new striping, and traffic control.

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:
Pavement Restoration 2020 Project
(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

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

Dated this 9th day of February, 2021
(Day) (Month) (Year)

(Owner's Signature)

City of Riverbank
Laura Graybill, Project Coordinator

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

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

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

Executed in City of Riverbank, County of Stanislaus, State of California
on this 9th day of February, 2021
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Project Coordinator

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

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

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

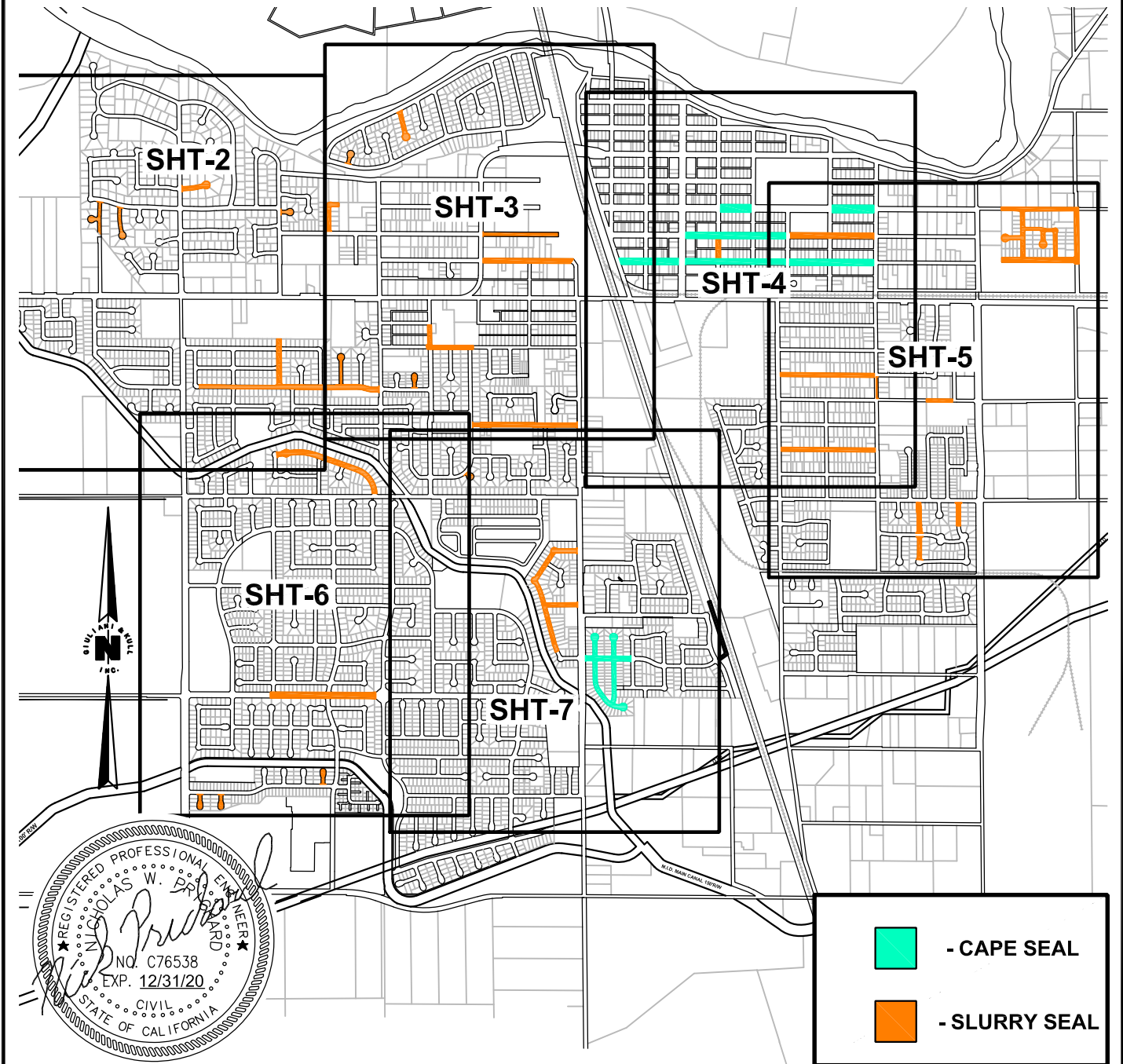
The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed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

Pavement Restoration 2020 Project

During Construction



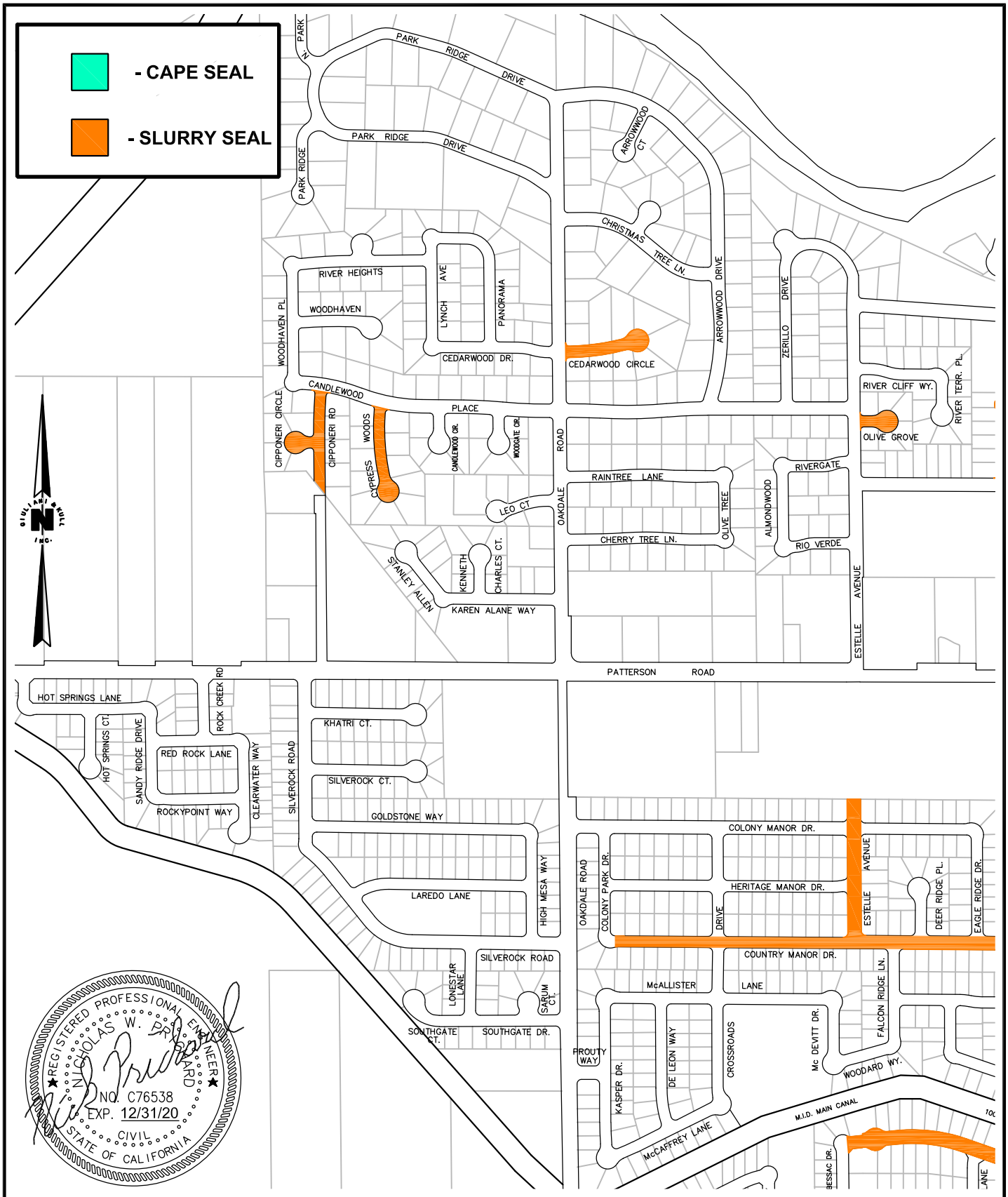
CITY OF RIVERBANK PAVEMENT RESTORATION PROJECT 2020



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

SCALE	1" = 2000'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	1 OF 10

COVER SHEET - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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

SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	2 OF 10

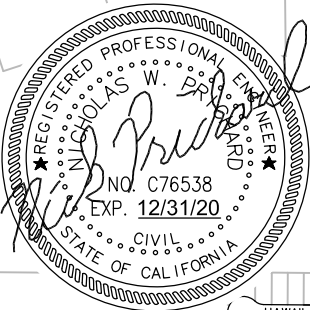
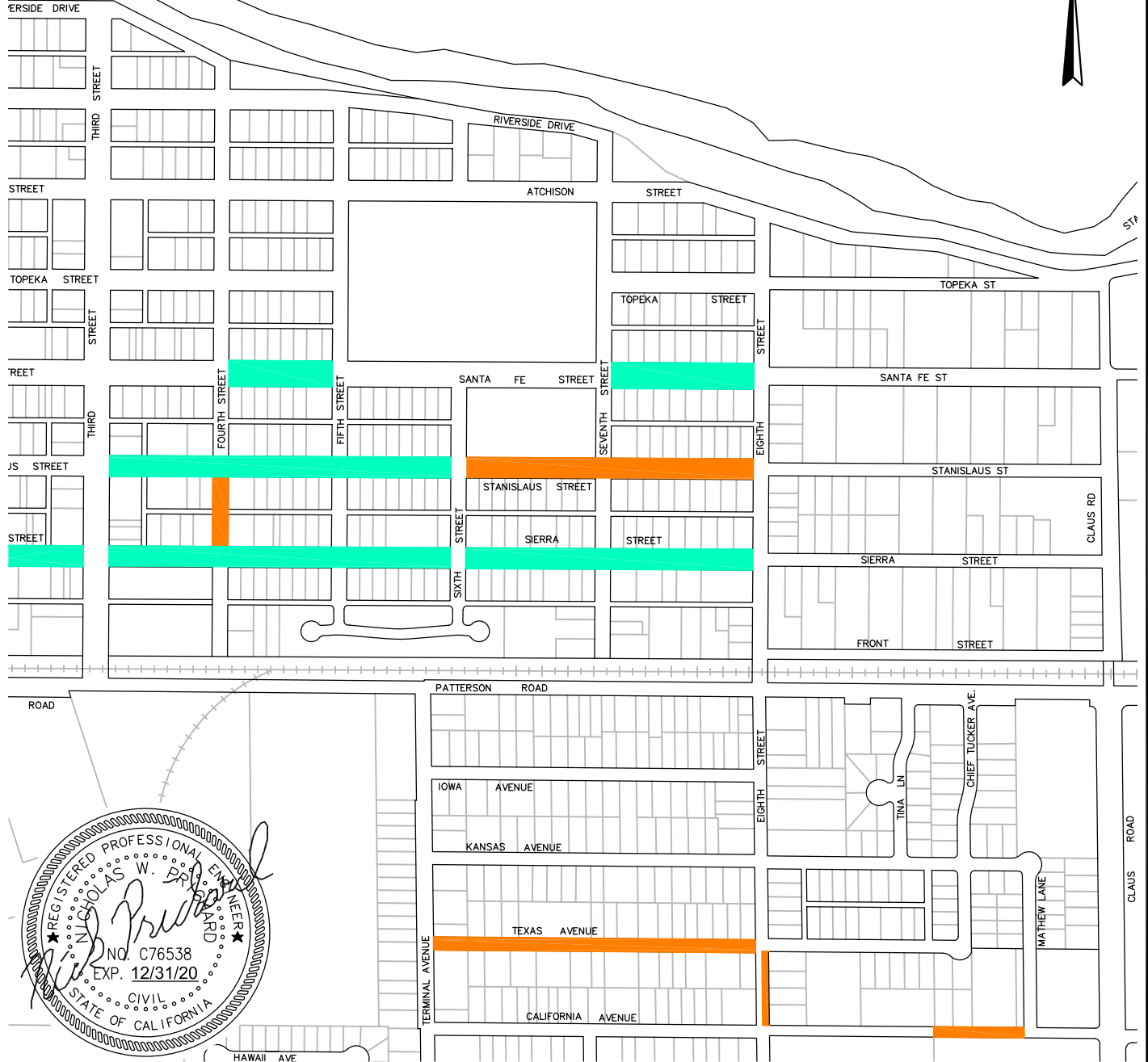
STREET INDEX - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



- CAPE SEAL



- SLURRY SEAL

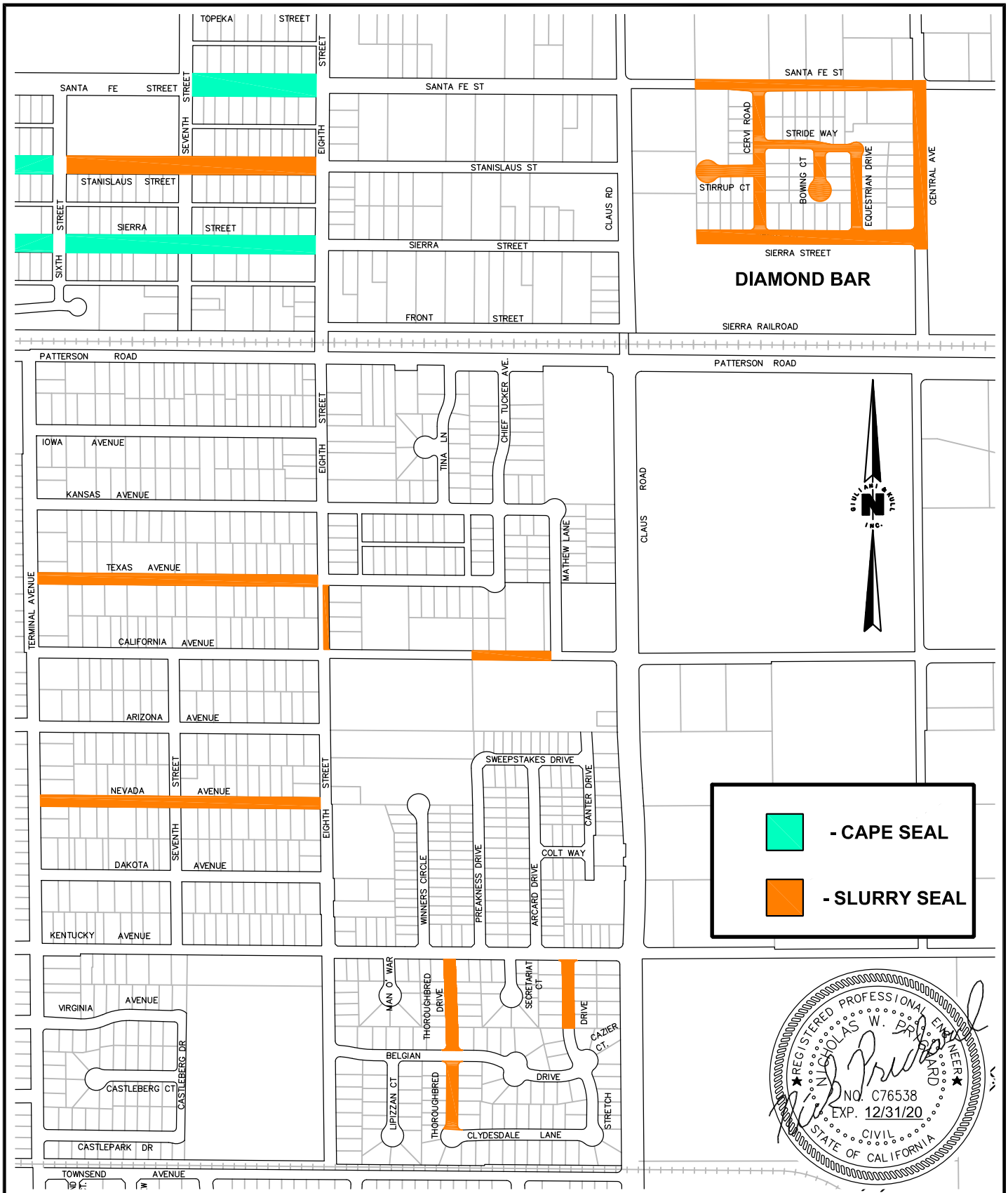


GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • San Jose • Oakdale

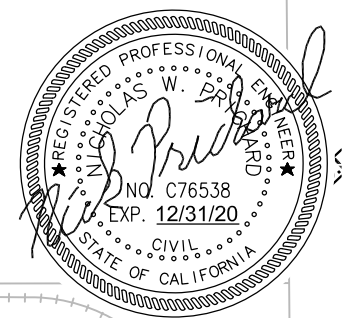
SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	4 OF 10

STREET INDEX - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



- CAPE SEAL

- SLURRY SEAL

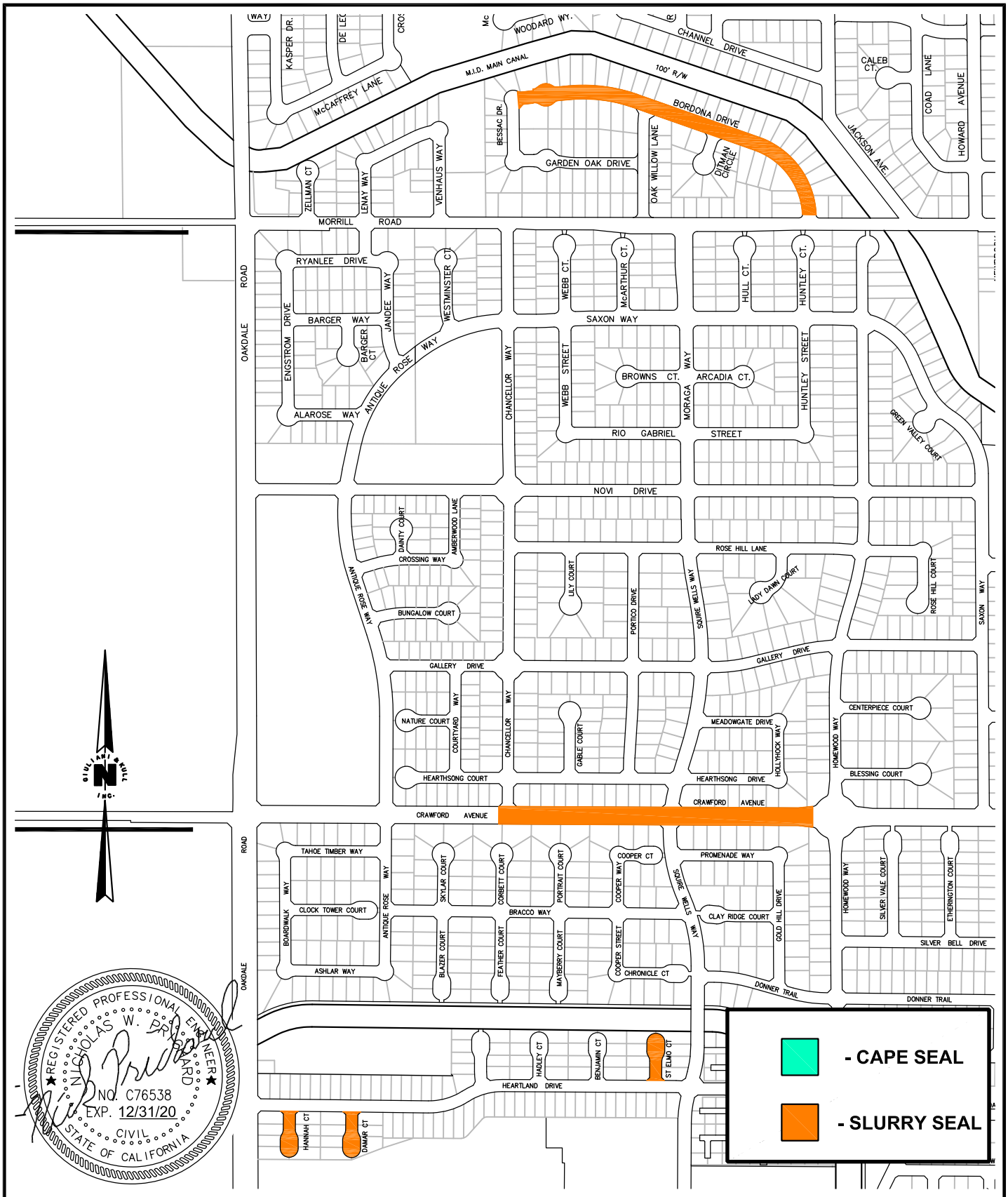


GK

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

SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	5 OF 10

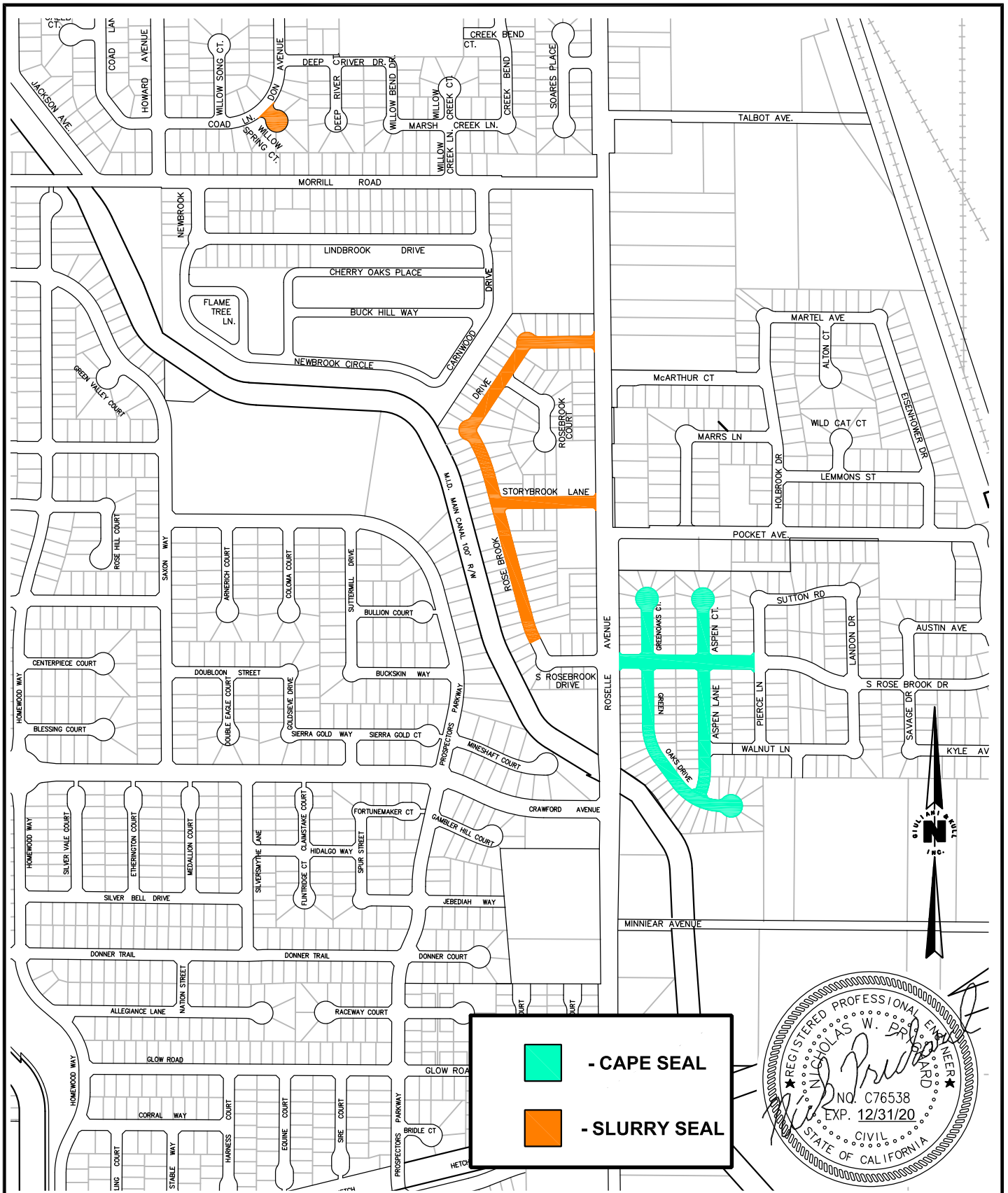
STREET INDEX - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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

SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	6 OF 10

STREET INDEX - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA



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

SCALE	1" = 600'
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	7 OF 10

STREET INDEX - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA

Type II Slurry Seal					
Section ID	Street Name	G&K-Length	G&K-Width	G&K-Area (ft ²)	G&K-Area (yd ²)
130	4th STREET	280	40	11,620	1,291
-	8th Street	265	18	582	65
705-A	BORDONA DRIVE	1,515	37	56,636	6,293
116-A	CALIFORNIA AVENUE	350	28	9,268	1,030
489	CEDARWOOD CIRCLE	375	32	14,485	1,609
980	CIPPONERI CIRCLE	125	80	6,645	738
977-A	CIPPONERI ROAD	425	32	13,800	1,533
1033-A/1040-A	COUNTRY MANOR DRIVE	2,440	36	82,150	9,128
560-A	CRAWFORD AVENUE	1,570	45	50,377	5,597
982	CYPRESS WOODS CIRCLE	420	32	15,426	1,714
753	DAMAR COURT	200	60	9,298	1,033
1063-A	ESTELLE AVENUE	620	37	23,655	2,628
751	HANNAH COURT	200	60	8,880	987
1013	HOWARD AVENUE	315	16	7,705	856
1076	JAGUAR COURT	412	36	18,460	2,051
283-A	NEVADA AVENUE	1,240	38	53,357	5,929
1082	NICKELS COURT	190	32	9,025	1,003
390	NORTH ROSE BROOK DRIVE	310	32	12,630	1,403
504	OLIVE GROVE COURT	160	56	8,100	900
968	RIVER MESA DRIVE	345	32	16,457	1,829
391-A	ROSE BROOK DRIVE	1,410	32	50,591	5,621
1167	SAWGRASS COURT	185	56	9,825	1,092
518-A	SIERRA STREET	1,220	42	49,250	5,472
1171	ST LAKES COURT	400	37	17,790	1,977
761	ST ELMO COURT	200	56	9,122	1,014
169-A	STANISLAUS STREET	830	42	69,694	7,744
943	STANISLAUS STREET	1,130	60	35,820	3,980
416	STORY BROOK LANE	430	32	14,504	1,612
221	STRETCH DRIVE	310	32	10,664	1,185
102	TEXAS AVENUE	2,070	32	43,777	4,864
250	THOROUGHbred DRIVE	420	32	14,400	1,600
251	THOROUGHbred DRIVE	380	32	9,900	1,100
1106-A	TURPIN AVENUE	1,400	37	49,640	5,516
952-A/956-A	WARD AVENUE	520	32	16,028	1,781
1122	WILLOW SPRING COURT	114	84	7,394	822
TOTAL		22,776		836,955	92,995



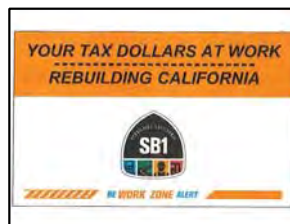
CONSTRUCTION PROJECT FUNDING SIGN - MEASURE L
COLLECT FROM CITY OF RIVERBANK CORP YARD
30"x48" ALUMINUM PANEL ATTACHED TO A TYPE 2 BARRICADE.
SIGNS SHALL BE PLACED AT THE DIRECTION OF THE CITY
ENGINEER DURING TYPE II SLURRY WORK.

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

SCALE	N/A
DRAWN BY	NWP
CHECKED BY	WFK
JOB NO.	20122
SHEET	8 OF 10

STREET INDEX - 2020
PAVEMENT RESTORATION PROJECT
RIVERBANK, CALIFORNIA

Cape Seal					
Section ID	Street Name	G&K-Length	G&K-Width	G&K-Area (ft ²)	G&K-Area (yd ²)
447	ASPEN COURT	300	32	12,800	1,422
445-A	ASPEN LANE	587	32	19,590	2,177
442-A	GREEN OAKS DRIVE	872	32	31,865	3,541
441	GREENOAKS COURT	300	32	12,800	1,422
339-A	S. ROASEBROOK DRIVE	622	36	22,426	2,492
124-A	SANTA FE STREET	418	66	27,827	3,092
124-A	SANTA FE STREET	565	66	37,572	4,175
158-A	SIERRA STREET	780	60	46,330	5,148
160-A	SIERRA STREET	1,330	60	80,545	8,949
163-A	SIERRA STREET	1,130	60	68,296	7,588
171-A	STANISLAUS STREET	1,328	60	75,321	8,369
TOTAL		8,232		435,372	48,375



CONSTRUCTION PROJECT FUNDING SIGN - SB 1
COLLECT FROM CITY OF RIVERBANK CORP YARD
30"x48" ALUMINUM PANEL ATTACHED TO A TYPE 2 BARRICADE.
SIGNS SHALL BE PLACED AT THE DIRECTION OF THE CITY
ENGINEER DURING CAPE SEAL WORK.

Type II Slurry Seal - Diamond Bar					
Section ID	Street Name	G&K-Length	G&K-Width	G&K-Area	G&K-Area
-	BOWING COURT	210	32	9,790	1,088
308	CENTRAL AVENUE	693	27	20,635	2,293
-	CERVI ROAD	616	32	20,360	2,262
-	EQUESTRIAN DRIVE	330	34	11,916	1,324
-	SANTA FE STREET	1,958	36	37,078	4,120
122	SIERRA STREET	962	27	29,412	3,268
-	STIRRUP COURT	250	32	10,640	1,182
-	STRIDE WAY	440	32	14,884	1,654
TOTAL		5,459		154,715	17,191

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.4

SECTION 8: CONSENT CALENDAR

Meeting Date: February 9, 2021

Subject: A **Resolution** to Approve and Adopt the Revised 2021 City of Riverbank Measure L Expenditure Plan Project List

From: Sean Scully, City Manager

Submitted By: Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council consider adopting the proposed changes to the City of Riverbank's Measure L Expenditure Plan Project List for local streets and roads, traffic management, and bike and pedestrian improvement projects.

SUMMARY

On November 8, 2016 the Stanislaus County voters approved a ½ cent sales tax measure to fund local and regional transportation projects and programs. The tax is expected to generate approximately \$39 million dollars a year over a 25-year period for Stanislaus County.

The City of Riverbank entered into a Master Funding Agreement with the Stanislaus Council of Governments (StanCOG) and within that agreement the City agrees to provide StanCOG with a detailed project list for local streets and roads, traffic management and bicycle/pedestrian projects that are scheduled to be constructed with Measure L Funding. The projects identified on the Expenditure Plan Project List detail a comprehensive list of infrastructure improvements that the City has identified as priority projects. The last update to the list was approved by the City Council at the March 24, 2020 meeting. At that meeting it was stated that the project list would be reviewed annually and any changes or adjustments to the List would be brought before the City Council for approval. Also, all improvements or projects on this List will require City Council review and approval prior to construction.

LOCAL STREETS AND ROADS

Recognizing that streets are the backbone of our transportation system, the Plan provides funds to local cities and Stanislaus County, distributed primarily based on 2015 population to support local roads. These funds are used exclusively for

repair and maintenance – no new road construction will be funded. These funds must be used to augment current transportation spending and cannot be used to replace a local agency's general fund expenditures.

The City currently has approximately \$1,193,887 in Measure L funding and an additional \$882,000 expected through the end of the year for a total of \$2,075,887. The projects slated for this year utilizing these funds are as follows:

First Street @ Patterson Intersection Improvements (Match Monies)	\$ 50,000
Roselle Avenue Sidewalk Project/Road Improvements (Match Monies)	\$ 100,000
Pavement Restoration Project – Slurry & Crack Seal Various Roads	\$ 500,000
Santa Fe Street Overlay – Fifth to Seventh Street (PE)	\$ 30,000
Patterson Road Overlay – Eighth Street to Claus Road (PE & CON)	\$ 199,955
First Street Overlay – Atchison to Bridge (PE & CON)	\$ 268,095
Claribel Road Overlay – Squire Wells to West of Roselle (PE & CON)	\$ 520,000
Second Street Reconstruct – Atchison to Sierra Street (PE & CON)	\$ 327,880
Total	\$1,995,930

This will leave a reserve of approximately \$79,957.

TRAFFIC MANAGEMENT

Traffic management projects can include upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods.

The City currently has approximately \$431,977 in Measure L funding and an additional \$176,000 expected through the end of the year for a total of \$607,977. The project slated for this year utilizing these funds are as follows:

Callendar Avenue Pedestrian Project (Phase I)	\$ 430,217
---	------------

This will leave a reserve of approximately \$187,760.

BIKE AND PEDESTRIAN IMPROVEMENTS

Bike and pedestrian improvements can include connectivity between communities, local schools, trails and recreation facilities.

The City currently has approximately \$12,868 in Measure L funding and an additional \$88,193 expected through the end of the year for a total of \$101,061. The projects slated for this year utilizing these funds are as follows:

Rapid Flashing Beacons	\$ 30,000
------------------------	-----------

This will leave a reserve of approximately \$71,061.

FISCAL IMPACT THROUGH THE END OF 2020:

Measure L – Streets & Roads:	\$1,995,930
Measure L – Traffic Management	\$ 430,217
Measure L – Bike & Pedestrian	\$ 30,000

ATTACHMENTS

1. Resolution
2. City of Riverbank Expenditure Plan Project List 2/1/2021

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING AND ADOPTING THE REVISED 2021 CITY OF RIVERBANK MEASURE L EXPENDITURE PLAN PROJECT LIST

WHEREAS, The Riverbank City Council has reviewed the revised 2021 Measure L Expenditure Plan Project List presented by staff; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately \$882,000 for the City of Riverbank's local streets and roads; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately \$176,000 for the City of Riverbank's traffic management projects; and

WHEREAS, the ½ cent sales tax measure approved by the voters to fund local and regional transportation projects and programs is expected to generate approximately \$88,193 for the City of Riverbank's bicycle/pedestrian projects; and

WHEREAS, each project on the revised 2021 Measure L Expenditure Plan Project List will require City Council review and approval prior to construction; and

WHEREAS, each year a comprehensive review of the proposed Measure L Project List will be conducted and any changes presented to Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the City of Riverbank's revised 2021 Measure L Expenditure Plan Project List.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2021; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Copy of Riverbank Revised Measure L Expenditure Plan Project List

PROPOSED

City of Riverbank Measure L Expenditure Plan Project List (Revised 2/1/2021)

Type	Projects	Description	Budget	Started	Completed
Local Streets and Roads (50%)					
Pavement Restoration Project 2017	Slurry Various Local Roads	Slurry Local Roads identified in Pavement Management Plan	\$130,000	FY 2017	FY 2017
Pavement Restoration Project 2018	Slurry Various Local Roads	Slurry Local Roads identified in Pavement Management Plan	\$345,343	FY 2018	FY 2018
Pavement Restoration Project 2019	Slurry Various Local Roads	Slurry Local Roads identified in Pavement Management Plan	\$444,148	FY 2019	FY 2019
Overlay	Claus Road Overlay	Overlay Claus Road between Townsend to Claribel	\$309,221	FY 2018	FY 2019
Overlay (Match Monies)	Eighth Street Overlay	Patterson Road to Kentucky Avenue	\$50,000	FY 2020	FY 2020
Pavement Restoration Project 2020	Slurry Various Local Roads	Slurry Local Roads identified in Pavement Management Plan	\$241,814	FY 2020	FY 2020
Intersection Improvements (Match Monies)	First Street @ Patterson Road	Intersection Improvements - Right turning lane from Patterson Road to First Street	\$50,000	FY 2020	FY 2021
Road Improvements (Match Monies)	Roselle Avenue Sidewalk Project/Road Improvements	Roselle Avenue Curb/Gutter/Sidewalk/Road Improvements (Fern Court to Talbot)	\$100,000	FY 2020	FY 2021
Pavement Restoration Project - Spring 2021	Crack Seal & Slurry Seal Various Local Roads	Crack Seal & Slurry Seal Roads identified in Pavement Management Plan	\$500,000	FY 2021	FY 2021
Overlay (Preliminary Engineering)	Santa Fe Street Overlay	Santa Fee Street Overlay (5th - 7th Streets) Preliminary Engineering (Construction RSTP Funds)	\$30,000	FY 2021	FY 2021
Overlay (PE & Construction)	Patterson Road Overlay	Patterson Road Overlay (Eighth to Claus)	\$199,955	FY 2021	FY 2021
Overlay (PE & Construction)	First Street Overlay	First Street Overlay (Atchison To Bridge)	\$268,095	FY 2021	FY 2021
Overlay (PE & Construction)	Claribel Road Overlay	Claribel Road Overlay (Squire Wells to West of Roselle Avenue)	\$520,000	FY 2021	FY 2022
Reconstruct/Overlay (PE & Construction)	Second Street Reconstruct/Overlay	Reconstruct/Overlay Second Street from Atchison to Sierra Street	\$327,880	FY 2021	FY 2022

Traffic Management (10%)					
Pedestrian & Road Improvements	Callander Avenue Pedestrian Project (Phase I)	Preliminary Engineering/Design/ROW	\$130,000	FY 2018	FY 2021
Pedestrian & Road Improvements (Matching Funds)	Callander Avenue Pedestrian Project (Phase I)	ROW & Construction - Complete Street Improvements - Calendar Avenue between Topeka & Santa Fe Streets	\$430,217	FY 2020	FY 2021
Bike/Ped (5%)					
Pedestrian Crosswalk Safety Improvements	Rapid Flashing Beacons	Santa Fe Street between 3rd & 4th Streets	\$15,000	FY 2019	FY 2019
Jacob Meyers Park Entryway	Entryway and ADA Improvements	Entryway and ADA Improvements	\$174,652	FY 2017	FY 2020
ADA Improvements for Pedestrians	Topeka Street @ Estelle Avenue & Avenue @ Don Carlos	Ward Install ADA Ramps & Sidewalk	\$56,686	FY 2020	FY 2020
Pedestrian Crosswalk Safety Improvements	Rapid Flashing Beacons	Locations to be determined	\$30,000	FY 2020	FY 2020
Pedestrian Sidewalk Project	Claus Road Sidewalk Project	Claus Road (RR Tracks to Sierra Street)	\$130,778	FY 2021	FY 2021

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.5

SECTION 8: CONSENT CALENDAR

Meeting Date: February 9, 2021

Subject: Recommend Approval of Resolution Adopting a List of Projects for Fiscal Year 2021-2022 Funded by SB 1: The Road Repair and Accountability Act of 2017

From: Sean Scully, City Manager

Submitted by: Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council approve a Resolution adopting a list of projects for fiscal Year 2021-2022 funded by SB 1: The Road Repair and Accountability Act of 2017.

SUMMARY

On April 28, 2017, Governor Brown signed Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017. The primary focus of the Bill is to address basic road maintenance, rehabilitation, and critical safety needs on both the state highways and local streets and roads system. Prior to receiving new Fiscal Year apportionments of Road Maintenance and Rehabilitation Account (RMRA) funds from the California State Controller, the city must adopt a list of projects proposed to be funded with these funds by resolution and submitted to the State by May 1st of each year.

On April 23, 2019 the Council approved a project list for Fiscal Year 2019-2020. The streets identified in the April 24, 2019 Report were completed with the 2019 Pavement Restoration Project that was completed and accepted by Council on 10/22/2019.

For Fiscal Year 2020-2021, the City completed the reconstruction of Santa Fe Street between Claus Road to 300 ft. East. The construction of this project totaled \$109,212 and was accepted by City Council on 1/12/2020. The City also completed a 2020 Pavement Restoration Project that totaled \$237,396, which was presented to Council for acceptance at tonight's meeting.

The funds currently available for projects for Fiscal Year 2021-2022 is \$520,833. The City expects to receive an additional \$449,200 in funds for this year. The total amount the City will have available for projects is \$970,033. The projects the City has scheduled for this year are as follows:

Valley Gutter Repair – Chief Tucker & Kansas Avenue	\$ 15,000
Valley Gutter Repair – Stanislaus Street @ Jackson Avenue	\$ 20,000
Valley Gutter Repair – Cypresswoods @ Candlewood	\$ 20,000
Pavement Restoration Crack Seal Project Spring 2021	\$ 60,000
Topeka Street Overlay – Third to Fifth Street	\$ 550,000
Valley Gutter Repair – Second Street @ Riverside Drive	\$ 65,192
Topeka Street Overlay – Callander to Jackson	\$ <u>233,670</u>
Total	\$ 963,862

This will leave a reserve of approximately \$6,171.

FINANCIAL IMPACT

SB-1 Streets & Roads funded projects totaling approximately \$963,862 with a reserve of \$6,171.

The RMRA funds do require a Maintenance of Effort (MOE) from the City based on General Fund spending for street, road and highway purposes. City staff is continuing to work with the State to comply with the MOE requirements.

STRATEGIC PLAN

Recommendation for approval of the Fiscal Year 2021-2022 list of roads to be maintained is in line with the 2020-2025 Riverbank Strategic Plan goal to Improve Public Safety by maintaining safe and well-lit streets and roads.

RECOMMENDATION

It is recommended that the City Council approve a Resolution accepting the Fiscal Year 2021-2022 list of projects to be funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”.

ATTACHMENT

1. Resolution
2. Exhibit “A”

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Riverbank are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Riverbank must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvements; and

WHEREAS, the City of Riverbank will receive an estimated \$449,200 in RMRA funding in Fiscal Year 2021-22 from SB 1; and

WHEREAS, this is the fourth year in which the City of Riverbank is receiving SB 1 funding which will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Riverbank used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Riverbank to continue to maintain and rehabilitate streets/roads, add active transportation infrastructure throughout the City for this year and similar projects into the future; and

WHEREAS, the 2020 California Statewide Local Streets and Roads Needs Assessment found that the City of Riverbank's streets and roads are in good condition and this revenue will help us increase the overall quality of our road system and over the next decade will continue to sustain the quality of our roads as good condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank, State of California, hereby orders and declares as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or solely with fiscal year 2021-22 Road Maintenance and Rehabilitation Account revenues:

Valley Gutter Repair – Chief Tucker & Kansas Avenue	\$ 15,000
Valley Gutter Repair – Stanislaus Street @ Jackson Avenue	\$ 20,000
Valley Gutter Repair – Cypresswoods @ Candlewood	\$ 20,000
Pavement Restoration Crack Seal Project Spring 2021	\$ 60,000
Topeka Street Overlay – Third to Fifth Street	\$ 550,000
Valley Gutter Repair – Second Street @ Riverside Drive	\$ 65,192
Topeka Street Overlay – Callander to Jackson	\$ <u>233,670</u>
Total	\$ <u>963,862</u>

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2021; 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
City Clerk

Richard D. O'Brien
Mayor

City of Riverbank SB-1 Project List (Revised 2/1/2021)

Type	Projects	Description	Budget	Started	Completed
Local Streets and Roads					
Valley Gutter Repair/Replace	Chief Tucker @ Kansas Avenue	Repair/Replace Valley Gutter - Chief Tucker @ Kansas Avenue	\$15,000	FY 2021	FY 2021
Valley Gutter Repair/Replace	Stanislaus Street @ Jackson Avenue	Repair/Replace Valley Gutter - Stanislaus Street @ Jackson Avenue	\$20,000	FY 2021	FY 2021
Valley Gutter Repair/Replace	Cypresswoods @Candlewood	Repair/Replace Valley Gutter - Cypresswoods @ Candlewood	\$20,000	FY 2021	FY 2021
Pavement Restoration Project Spring 2021	Crack Seal Various Local Roads	Crack Seal Various Local Roads	\$60,000	FY 2021	FY 2021
Overlay	Topeka Street Overlay (Third to Fifth Street)	Topeka Street Overlay (Third to Firth Street)	\$550,000	FY 2021	FY 2021
Valley Gutter Repair/Replace	Second Street @ Riverside Drive	Repair/Replace Valley Gutter - Second Street @ Riverside Drive	\$65,192	FY 2021	FY 2022
Overlay	Topeka Street Overlay (Callander to Jackson)	Topeka Street Overlay (Callander to Jackson)	\$233,670	FY 2021	FY 2022

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.1

SECTION 9: NEW BUSINESS

Meeting Date: February 9, 2021

Subject: Provide Direction to City Staff Concerning an Amendment to the Development Agreement by and Between the City of Riverbank and Pacafi Cooperative, Inc., a California cooperative corporation doing business as Flavors to Extend the Term and Make Adjustments to the Public Benefits Schedule

From: Sean Scully, City Manager

Submitted by: Douglas L. White, City Attorney

RECOMMENDATION

Staff requests direction from the City Council considering an amendment to the development agreement by and between the City of Riverbank and Pacafi Cooperative, Inc., a California cooperative corporation doing business as Flavors (“Development Agreement”) to extend the term of the Development Agreement for a term of three (3) years and make adjustments to the public benefit schedule. City staff will process the necessary Development Agreement amendment with the changes as directed by the City Council.

SUMMARY

On January 9, 2018, the City Council adopted Ordinance No. 2018-001 approving a Development Agreement by and between the City of Riverbank (“City”) and Pacafi Cooperative, Inc., doing business as Flavors (“Flavors”) for the purpose of operating a cannabis dispensary located at 2213 Patterson Road in the City of Riverbank, Assessor’s Parcel Number 075-026-044. The Development Agreement is set to expire on February 9, 2021.

The Development Agreement requires Flavors to pay the City a monthly payment classified as a “Public Benefit amount” intended to offset or mitigate any potential impacts of the project on the community. The Public Benefit schedule is tiered based on the number of months the business has operated. The current Public Benefit tier requires a minimum payment of \$18,000 or 5% of the gross receipts from the operation of the dispensary, whichever is higher. Historically, Flavor’s lowest reported revenues were in the initial months of opening (approximately \$566,000) and their highest revenues in recent months exceed \$1,800,000.00. It is unclear whether the revenue increases generated in the last several months are due in part to COVID-19 or whether this trend

will continue. The average payment per month over the term of the Development Agreement is approximately \$50,000.

The parties are in the process of negotiating changes to the Development Agreement so Flavors can continue operating in the City. Based on the information Flavor representatives have provided, City staff understands that the cannabis market is in a state of change and that the current public benefit terms are not sustainable for Flavors moving forward. Flavors has requested a \$30,000 monthly cap to the Public Benefit amount. City staff acknowledges the standard that Flavors has set as an operator within the community as the first cannabis dispensary permitted in the City. Flavors has met the terms of their existing development agreement (both financial and operationally) during the entirety of the three-year term. Accordingly, City staff proposes a three (3) year extension of the Development Agreement for the ongoing retail operations of Flavors, and a fixed Public Benefit amount of \$30,000 per month for the duration of the term. Staff further recommends that if an amendment is adopted that it be made retroactive to the expiration of the current Development Agreement.

If the City Council concurs with this recommendation, City staff will prepare the necessary amendment for the Planning Commission and City Council's consideration and approval.

FISCAL IMPACT:

Difficult to quantify with certainty due to the fluctuations in the retail cannabis market both recently and during the term of the expiring agreement. A variety of factors could contribute to the ongoing success or lack thereof of retail cannabis. Those include increased competition from other area retail locations, supply of products, state excise tax, and any potential future changes in state and federal cannabis law. Based on current revenues from Flavor's expiring agreement, the anticipated impact would be a reduction in monthly public benefit revenues. However, the long-term impact of working with the cannabis retailers to create a more sustainable public benefit rate could create longer term survivability for the retailers which may lead to more long-term consistency in the receipt of public benefit payments. At the proposed levels, the anticipated public benefit amount paid over the proposed three-year term is approximately \$1,080,000. This funding would generally allow the current public safety, code enforcement, camera, and special project programs to continue to be funded from public benefit during the term of the agreement.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.2

SECTION 9: NEW BUSINESS

Meeting Date:	February 9, 2021
Subject:	Update on the Proposition 68 Grant Project
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council hear an update on the proposition 68 grant project and application.

SUMMARY

The Director of Parks and Recreation has been working diligently on the second round of the proposition 68 grant for the renovation of the community center park for the past year. This grant application is due March 12, 2021. The Director will give an update on the project and answer any questions that the City Council or community members may have prior to submittal of the grant.

BACKGROUND

The Statewide Park Development and Community Revitalization Program is the largest park related grant program in California's history and possibly U.S. history, with over \$1 million in funding between the 2008 Prop. 68 and the 2006 Prop. 84 Bond Acts. Statewide Park Program competitive grants will create new parks and new recreation opportunities in critically underserved communities across California. The City applied for funding in August, 2019 for the same project but was unsuccessful. The project officer for the grant gave input on the last grant submitted and a few suggestions but overall, the reason for our city not receiving funding was generally related to the City median income levels as compared to the pool of other applications. There were many Cities that had demographic characteristics indicated a greater need. Given that this is a very competitive grant program many local applications by neighboring communities were also not funded.

GRANT APPLICATION & FUNDING

Proposition 68 funding has one last round. The projects must create a new park, expand an existing park or renovate an existing park. The minimum grant application is for \$200,000 and the maximum grant request is for \$8,500,000. There is no match of funding required.

The grant applications submitted must be for sites that meet the criteria of less than 3 acres per 1,000 people within a half mile radius or have a median household income

below \$56,982. The Community Center Park meets both of these criteria. Only one of the required criteria needs to be met to be eligible.

Project Specifics

The grant project the City of Riverbank is submitting is called the Community Center Park and Pool Renovation. The grant amount requested is \$8,190,000. The Community Center park is on a 3.1-acre parcel and this is the park area that is identified in the project. The overall vision for the design was created through a series of community meetings, stakeholder feedback and previous presentations to City Council.

The new features to be added to the park are as follows:

- One half basketball court with solar lighting behind the Teen Center.
- The addition of a learner pool with a water feature and splash pad area where the current playground is located.
- The construction of a new, inclusive, playground with pour in place surfacing and shade to the west of the current playground.
- The addition of fitness pods in clear view of the playground for parents to exercise while watching their children play.
- New landscaping and irrigation would be added to the park along with new walkways with solar lighting
- Shade structures (Cabana type) would be added to the existing pool
- The addition of Public Art in the form of a bronze statue and wall murals that the community actively participate in.

The Demolition and Renovation that would occur are as follows:

- The current Pool locker rooms, restrooms would be demolished as they do not drain and have many ADA issues.
- A new bathhouse and restrooms would be constructed and the pool equipment would be relocated and updated into an indoor mechanical room.
- The current pool would be replastered and the deck area would be made to meet ADA standards.
- The picnic shelter would be renovated to avoid puddles, trip hazards and overall deterioration.

STRATEGIC PLAN

This project supports the City of Riverbank's Strategic Plan by Enhancing the Quality of Life for our community by maintaining and refreshing the parks, trails and facilities to provide exceptional experiences for our residents.

FINANCIAL IMPACT

The financial impact for the grant itself would be positive as there are no match funds required for this grant. This is highly unusual as most grants have some match component which (depending on the size and scope of the project) can sometimes make moving forward with a project unaffordable.

If the City is awarded the grant there are few changes that would likely be triggered once the project is up and operating. There would be an additional cost to the General Fund

as there would be an additional pool and other new equipment to maintain. Staff is currently working on forecasting this potential impact, if the grant is awarded Council will review any possible increase in operational expenses at that time.

One stipulation for the grant is there is a requirement that many or all of the amenities are at no cost to the community due to the nature of the grant and are open 7 days per week for at least three hours per day. All of Riverbank's amenities are at no cost except for the seasonal pool and meet the criteria set forth. The recreational swim component could be free to the public but the other programs such as swim team, pool rentals, fitness classes, scuba classes etc. can be fee programs that help to offset the cost of pool operations.

These details are outlined as part of the grant submittal. Historically Riverbank's pool operations typically recover approximately 60% of our expenses. If funded, staff will develop a management plan to be creative and meet the community need as well as offset costs as best possible.

ATTACHMENT

Exhibit A: Project Conceptual Design

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.3

SECTION 9: NEW BUSINESS

Meeting Date:	February 9, 2021
Subject:	Countryside Park Development
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council review the options for the development of Countryside Park and give staff direction.

SUMMARY

The Parks and Recreation Department has been working on a design for Countryside Park which is part of the Countryside I development on the east side of Riverbank. This park is on one acre of land that is level and not part of a basin. The design includes the City of Riverbank new standards of park development, resulting in the cost estimate being higher than the fees collected for this particular development. The design, cost estimate and funding available will be presented to the City Council tonight for discussion and direction.

BACKGROUND

The City of Riverbank recently completed the Citywide Park Master Plan and is currently working on a park system development and Capital Improvement Plan (CIP) project update to reflect the information gathered and new park standards specified within our park master plan.

Countryside Phase I development is near completion and does include a one- acre park. The next two phases of the Countryside development will not include a park but only drainage basins (as opposed to typical dual use basins with park like amenities). There may be an opportunity for a walkway around one of the basins and the City may be able to add some benches and fitness equipment but overall, the Countryside I park will be the main neighborhood park on the eastside until further developments occur. Although the park is smaller than our preferred regional/area parks, it will be the only at grade park current available within the east side development and thus will be an important resource for the small subdivisions built and currently being built in the area.

Based on the total number of units within the Countryside subdivision the City is due approximately \$481,831 in system development fees for parks. Of that amount, 30% is for neighborhood parks and 70% is set aside for regional parks. The developer has the

option of developing the park and requesting a reimbursement or credit of the fees due by their development or simply paying the fees for the park in which case the City would contract for the development of the park. In many cases developers choose to develop the park as frequently it coincides with the overall development of the subdivisions and occasionally economies of scale can be achieved.

The park design for Countryside Park includes the new standards such as artificial turf as opposed to wood fiber playground surfacing, inclusive components, a shade structure over the playground, a picnic shelter, and half basketball court. The overall park development, including landscape & irrigation, water, sewer, curb and gutter, street lights and park hardscape improvements are estimated at \$791,735. This preferred park option exceeds the developer park obligation by approximately \$309,904. The system development fee program includes a clause that allows the Council (through a reimbursement agreement) to allocate more funding to a specific improvement within the program.

The City of Riverbank currently has approximately \$750,000 in park system development fees but can only use a portion of those funds for this particular park. The gap of funding from developer reimbursements and funds needed for the improved park design which would follow the standards set forth in the recently adopted Parks Master Plan is approximately \$309,904.

OPTIONS FOR COUNCIL CONSIDERATION

Option 1: Move forward with the current design that includes the new park standards. This will give the eastside of Riverbank a modern park with adequate amenities. Gap funding could be directed and authorized by the City Council to contribute the \$309,904 through a reimbursement agreement with the developer to ensure the park is developed to updated standards and serves as both a community and regional park for the east side of the community. If this option is selected and the developer fully funds the initial cost, staff will return with a Reimbursement Agreement for Council consideration after negotiating the specifics of contribution for the park improvements with the developer.

Option 2: Downscale the design to fit the amount of funding we have available for this park development. This would be a smaller park with less amenities and with the current wood fiber surfacing.

The reason policy direction is needed on this item from Council is due to the fact that the Parks Master Plan has only recently been adopted. Due to that fact, the system development fee program has not been amended to reflect those new standards, costs and anticipated projects. Staff is in the process of updating the System Development Fee program but the timing of this park development will likely preclude that effort.

STRATEGIC PLAN

This item is relevant to the City Strategic Plan as the City of Riverbank is a regional leader in sustainable development offering a unique, culturally diverse, safe, and

welcoming community with a thriving downtown, recreational opportunities for all ages and sustainable economy that supports our growing population

NOTES FOR FUTURE DEVELOPMENT

The City of Riverbank is in need of more community parks that are 3 acres and above. The reason for this is many new developments have very limited backyards or space for gatherings. This results in residents now using our parks for their gatherings which require increased park space and amenities. Our current parks, in non-COVID times are reserved and operating at capacity with birthday parties, anniversary parties, family reunions and baptisms. As Council considers future development proposals park acreage minimums should be considered carefully given the changing landscape of development.

FINANCIAL IMPACT

The financial impact would depend on the option chosen and funding source chosen. For example, if Council chooses option 1 listed above, the 70% regional park set aside out of the Countryside Park System Development fees would be allocated to this park if a finding was made that the park will serve (in some capacity) as a regional park, additionally the gap funding would be allocated out of the current existing system development fee account. The potential consequence of this could be that less funds are available for completion of a regional project in the future, staff feels that this can be remedied by a future system development fee update. If Council were to choose option 2, there would be minimal impact to the overall system development fee fund as the park would be constructed only with those funds allocated through the development of Countryside phases 1-3.

ATTACHMENT

Exhibit A: Conceptual Park Design





System
Type **R5**

For Kids
Ages **5-12**

Countryside Park - Option 2
City of Riverbank

Project #PPT204160BA-2



A PLAYCORE Company

**Colors and textures may vary from actual product*



System
Type **R5**

For Kids
Ages **5-12**

Countryside Park - Option 2
City of Riverbank
Project #PPT204160BA-2



**Colors and textures may vary from actual product*